MY FIRST FORTY YEARS IN CALIFORNIA POLITICS

1922 - 1962

by

ROBERT W. KENNY

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FOREWORD

During the spring of 1960, Robert W. Kenny, former Attorney General for the State of California, undertook a series of tape recordings with the Oral History Program at UCLA. As is customary, the recordings were transcribed, edited, and returned to Mr. Kenny for his approval.

The following autobiography is a revised version of the original tapescript. It has been indexed and mimeographed by Mr. Kenny's personal staff at his own expense.

The original recordings were made in 1960 and 1961 by Doyce B. Nunis, Jr., at Mr. Kenny's office in Los Angeles.

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CHAPTER ONE

WHOSE FAULT WAS IT?

Clarence True Wilson, a young Methodist minister, married Robert Wolfenden Kenny and Minnie Carleton Summerfield in Los Angeles, California on January 4, 1896.

Thirty-five years later, Rev. Wilson was engaged in a national debate with the only child of that marriage, the author of these reminiscences.

Rev. Wilson had become national secretary of the Methodist Temperance Society in 1910 and was one of the principal architects of the National Prohibition Amendment. By 1931, I was a Los Angeles Municipal Judge and a local leader of the "wets" who would repeal the Eighteenth amendment in another two years. As judge, I had also performed a few marriages and hoped I was not chargeable with the results. I told Rev. Wilson of the waitress who had recognized me in a restaurant.

"I'm sure you were the judge who married me," she said, and hastily added, "But, of course, it wasn't your fault."

Whose fault then was I? A few sparse facts about the two generations that preceded me are the only clues I can develop. The blood lines of dogs and horses are much more carefully recorded than those of most human beings.

My maternal grandfather, George D. Carleton, was born in Maine. He reached California in 1852 by sailing around the Horn, with a long stop-over at Honolulu. My maternal grandmother, Sarah Pennell, came from Ohio by wagon train the same year. They were married in Solano County. There were only two Carleton children -- both girls. The eldest, my mother, was born in Suisun, Solano County, March 7, 1863 and given the wonderfully alliterative name of Minnie Minerva Carleton.

My paternal grandfather, George Lee Kenny, was born February 10, 1823, at the family home, Belin, Lea Parish, Queen's County, about sixty miles south of Dublin, Ireland. He was the ninth of ten children born to Thomas Lee and Elizabeth Kenny. Two of his brothers, Simon and Henry Torrens, became Anglican rectors in South of Ireland parishes.

George L. Kenny emigrated to the United States in the 1840's. He found employment in a bookstore in Buffalo, New York, operated by George H. Derby, husband of Celia Bancroft, sister of Hubert Howe Bancroft and A. L. Bancroft. Hubert Howe Bancroft was a fellow-clerk in the Buffalo bookstore. His early experiences with my grandfather are related in his "Literary Industries," pp. 117-121.

When the Gold Rush came, Mr. Derby staked the two boys to a stock in trade of books, stationery and allied lines; and H. H. Bancroft and George L. Kenny came to San Francisco by way of the Isthmus of Panama in early 1852. They opened a bookstore in San Francisco and discovered that the really hot items were printed legal forms - a practical

necessity in a busy society with a scarcity of legal draftsmen.

In 1855, George L. Kenny married my paternal grandmother, Melvina Van Wickle, originally of Schenectady, New York. My father was born August 23, 1862, in San Francisco. He was the second of three children who survived to maturity. The house in which my father was born still stands in San Francisco. It is an octagonal house at 1067 Green Street, near Leavenworth and Green. The theory of octagonal houses was to provide eight different exposures to the sun instead of only four in rectangular design. The San Francisco Chronicle of November 22, 1954 (p. 14) described it as San Francisco's "oldest house."

My paternal grandmother died on April 18, 1867. My grandfather then re-visited Buffalo. Mrs. Derby had also been recently widowed. My grandfather married Mrs. Derby May 28, 1868. She brought up his three motherless children.

My maternal grandmother, Sarah Carleton, lived until 1915. My grandfather Carleton came to our house at 1700 South Western Avenue, Los Angeles when I was about seven and taught me to play chess. I've always been deeply grateful to him for taking that much trouble. He died when I was nine. My father's father died in Los Angeles on January 30, 1902. I was taken on a visit to my step-grandmother, Mrs. Celia Bancroft Kenny in La Jolla, in 1908, a few years before her death.

My father finished high school in San Francisco. The mining boom was on in Tombstone, Arizona and my father went there in 1881.

He became a teller in a Tombstone bank. He was 19.

My mother was first married to Morris Summerfield. Los Angeles Superior Court records (No. 4941) show that Mr. Summerfield was able to lose $10,000 in the men's clothing business in Sacramento in the fall of 1885 and to gothrough an insolvency proceeding in Los Angeles on April 19, 1886. Later that year my mother, then 23, was declared a "sole trader" by the court (No. 5121) so she would not be subject to Mr. Summerfield's debts in opening a lodging house to be financed by $3,000 advanced by her father.

My father came to Los Angeles in 1890 upon the decline of Tombstone. He became a teller in the Los Angeles National Bank at First and Main Streets. The Los Angeles City directories for 1891 through 1894 show that in those years Mrs. Minnie Summerfield operated a lodging house, "The Potomac," at 217 South Broadway, and that my father resided there as one of her lodgers.

My father and mother were married in Los Angeles in 1896. I was their only child. I was born on August 21, 1901 in a four-family flat at 747 South Flower Street, Los Angeles. My mother and father were then both 39 years of age. At birth, I weighed 13 pounds. In the course of an extremely difficult delivery, my right arm was dislocated and permanently crippled.

In February, 1899, the Broadway Bank and Trust Company was organized and opened at Third and Broadway in the Bradbury Block. My father was cashier of this new bank and Warren Gillelen the president.

George I. Cochran, a lawyer, later President of the Pacific Mutual Life Insurance Company was vice president.

Directors of the Broadway Bank later included two old friends from Tombstone days; George W. Walker, a tobacco jobber, and Ben Williams, a mining executive. Other directors were R.C. Gillis, who did much to develop Santa Monica, Arthur Letts and W.E. Cummings, downtown merchants, and W.W. Beckett, M.D.

On April 6, 1906 my father and Mr. Gillelen were indicted by a federal grand jury in Oregon on charges developed during the land fraud investigation. Francis J. Heney was the special prosecutor. The Broadway Bank had loaned $25,000 to a company which had obtained valuable government timberland by using bogus entrymen as homesteaders. My father and Mr. Gillelen demanded a hearing in Los Angeles prior to being removed for trial in Oregon. This preliminary hearing was refused by District Judge Charles Wellborn, and by Circuit Judge Erskine Ross. However, on April 4, 1907 the United States Supreme Court in Gillelen v Youngworth (205 U.S. 537) held that the California defendants were entitled to a hearing in their own jurisdiction before being placed on trial in Oregon.

The Los Angeles hearing began on March 4, 1908. My father spent five days on the witness stand in his own defense. On May 1, 1908 Commissioner William Van Dyke, after hearing six weeks of evidence, with more than one million words submitted, ruled that the loan did not involve any culpable connection between the two bankers and the lumber

company, saying:

"It seems to me that their constant efforts to secure the bank against loss, even to the extent of acting contrary to the wishes and requests of the officers of the lumber company, are only consistent with the view that they had no real interest in the company."

The special prosecutor in this case was Tracy J. Becker, who was sent out from Washington. Mr. Becker remained in Los Angeles. I came to know him in 1924 when I was a newspaper reporter, covering the County District Attorney's office. He was then the deputy in charge of fraud cases.

My aunt, May Kenny Viven, compiled a thirty-page scrap book of the newspaper clippings of this episode explaining in an entry that: "Bob wanted all these clippings saved so his son could see in later years how easy it is to accuse a man of dishonesty, and what he must endure to be exonerated." A victory celebration took place at our Western Avenue residence on the night of May 1, 1908. The Los Angeles Times editorialized the next day as follows: "The smearing of these gentlemen, now exonerated, with an allegation of crime was an outrage worse than any land fraud ever committed in Oregon."

The explosion at the Los Angeles Times on October 1, 1910 affected the lives of nearly everyone living in Los Angeles those days. Thirty years later in Chicago I met Matt Schmidt, convicted of a minor role in the dynamite plot. Schmidt had been paroled in 1939 after serving 22 years in San Quentin. He assured me that he was one of

the few who could honestly say that he had never had a drink in California during prohibition.

The Kenny family moved from 1700 South Western Avenue to 1975 West Washington in the fall of 1911. In the municipal primary that year, Los Angeles was stunned by the election results which gave Job Harriman, the Socialist candidate, 20,000 votes, George Alexander, the Good Government League candidate, 16,800 votes, and W.C. Mushet, the Republican, 7,500 votes.

I remember the family horror when it was discovered that our faithful cook, Katie Marks, who had been my nursemaid, had voted for the unspeakable Socialist, Job Harriman.

When the primary took place, the McNamara brothers were still on trial for the dynamiting of the Times. On December 1, 1911, they pleaded guilty. Job Harriman, the Socialist candidate, was one of their lawyers. The final municipal election was held four days later, on December 5, 1911. This time, Alexander defeated Harriman by 85,000 to 51,000 votes.

My father's closest associate in Los Angeles was George W. Walker, from whom I draw my middle name. The Kennys and the Walker family had one of those relationships in which we called each other "cousins" and "uncles." My father and Mr. Walker were associated in oil operations at McKittrick, Kern County, and Brea in Orange County. Mr. Walker's primary source of income was as a tobacco jobber with a retail store at First and Main Streets. He was

associated with my father in the bank, becoming president of the Citizens Bank in the 1920's.

My father joined Harry Chandler of the Los Angeles Times and General M.H. Sherman in investments in the Tejon Ranch and the California Mexico Land and Water Company, an 800,000 acre holding below Mexicali in Baja California. At the time of his death, my father also had acquired an important interest in the Bank of Santa Monica. It was his plan for me to become a banker in the beach city.

In 1912 the Broadway Bank and Trust Company was merged into the Citizens National Bank. My father became the cashier and a vice-president of that institution and held those posts until his death on September 13, 1914.

CHAPTER TWO

EDUCATION

In 1906 when we were living at 1141 West 21st Street, Los Angeles, I attended a public kindergarten at the Norwood Street School and later a private German kindergarten. At the latter school one day the group was asked the origin of various articles such as honey, from the bees; eggs, from the hens, etc. It came my turn. "Were does milk come from, Robert?" I innocently replied, "From the Fishes." Los Angeles was still a country town then and Dr. Charles W. Fish, our family physician, supplied the neighbors with milk from the cow he kept at his residence at Union and 23rd Streets.

When we moved to 1700 South Western Avenue, in 1907, I attended public grade school at the 24th Street School for a few weeks. My parents then entered me at Harvard Military Academy, directly across the street from our home. There was no first, second or third grade at Harvard, so I started off in the fourth grade at the age of seven, in September, 1908. I graduated from grammar school in June, 1913.

My mother and I spent the balance of the year 1913, from June to December, on a trip through Europe. After a few weeks in London, we were joined by my father's sister, Mrs. May Viven, the widow of Captain John L. Viven, a regular army officer. We were also joined there by Mr. and Mrs. Walker, Mrs. Walker's sister, Mrs. Hattie Malloy,and the Walker daughter, Ethelwyn. We visited my

father's cousin, Col. H. Torrens Kenny, II in Folkestone. He had been a colonel of the Twelfth Lancers in India. The Colonel spoke Russian and Hindustani. I last saw him in 1938 on one of his annual visits to New York City. He was then 80. He made it a point to invite me to Russian and Hindu restaurants where he could display his linguistic ability.

In August 1913, we toured England, Scotland and Ireland with the Walkers and Mrs. Viven, including a visit to the Kenny family home at Belin in Queens County. My aunt, Mrs. Viven, had lived in many parts of the world and always kept in touch with the various Kenny relatives. Through her I met some of them in Ireland, Germany, France and Hawaii. We spent one weekend with another second cousin, Rev. Walter Wolfenden Kenny, an Anglican rector in Bedfordshire. The Walkers returned to California and my mother and I, with Mrs. Viven, then toured the Continent, visiting the Netherlands, Germany, Switzerland, Italy and France.

When we returned from Europe in December, 1913, we discovered that my father had become quite ill in our absence. My father had always fancied himself as an amateur boxer. In spite of his illness, he still retained Roger Cornell, a Los Angeles Athletic Club trainer to the house every morning at 7 o'clock. A boxing ring had been set up in the attic and they would throw punches at each other for half an hour. Then my father would come down and eat an enormous breakfast.

His health did not improve.

In January, 1914 I entered the University High School of the University of Southern California. This was a private preparatory school, with a student body of only 90. Most of our teachers were education majors at the University. We were their first students and I suspect they were somewhat terrified by us. The principal of the school was Dr. Hugh Willett, later a member of the Los Angeles City Board of Education.

In July, 1914 we drove the family automobile, an Alco, aboard the S.S. Harvard for San Francisco. The purpose of the visit was to have my father diagnosed by the famous Dr. Herbert Moffitt, then looked upon in the Far West with the respect later given the Mayo Brothers. Dr. Moffitt came up with the first correct diagnosis of my father's illness. It was a serious infection of the antrum. In those days there were no anti-biotics.

My father died in Berkeley, California on September 13, 1914. The Los Angeles Times put a graceful headline on the story of my father's death: "Posted Ledger Softly Closed." The sport's page announced that the flags at the Washington ball park were lowered at halfmast in respect to his memory.

My father had been part owner and treasurer of the Los Angeles baseball team in the Pacific Coast League. He was also treasurer of the Los Angeles Athletic Club at the time of his death. When his

estate was finally distributed, $99,933.94 went to my mother and $33,311.21 came to me.

My father's holdings had been pyramided and many of them had to be sold to pay off loans. One holding that was sold was the stock in the Bank of Santa Monica and that is how I escaped being a banker. The Tejon Ranch stock was also sold. The California Mexican Land and Water Company stock was held with great hopes for the future, but the expropriations in Mexico ultimately made that investment worthless. One piece of luck did attend the distribution of my father's estate. The war in Europe had just broken out, and our holdings of United Verde Extension, a copper stock, jumped in value from about $350 to $35,000 in a few months time. That bonanza paid off some of the more pressing debts.

After my father's death I re-entered the prep school at the University of Southern California. It was my plan then to go into the diplomatic service. One of my father's closest friends in Tombstone was Marcus Aurelius Smith, who became one of Arizona's first two United States Senators when statehood came in 1912. Unfortunately for my plans for a patronage appointment the Senator was beaten in the November, 1918 election and Woodrow Wilson appointed him to the Canadian Boundary Commission. In the meantime, I had discovered that entry to the diplomatic corps was dependent upon a physical examination which would be impossible for me to pass because of my

crippled right arm.

However, because of this early ambition, I had studied Latin for four years, two years more than the average in Southern California in those days. I was also privately tutored in French. My father had collected an excellent library and I had all of the works of Bernard Shaw, Mark Twain, R. L. Stevenson and Dumas by the time I was 14 years of age.

There were only 26 in the class that graduated from the University High School on June 6, 1917. The first six ranking scholarship honors were won by girl students. I spent a good deal of my time in high school playing poker and pool. We had a secret fraternity known as "The Owls." My mother let me have the Washington Street house whenever it was needed for an Owl meeting which was at least twice a week. I learned so much about poker in high school and college that I never wanted to play the game since.

Although great at card playing, the Owls were not very successful in student body politics. I was greatly disappointed in our inability to elect my close friend, Raymond Petifils, as student body president. Members of my class included Lindsay Gillis, son of my father's friend, R. C. Gillis. Phil Haber, who inherited his father's tailoring establishment, his cousin, Ned Tannenbaum, later an Antelope Valley dentist, Seymour Siegel, son of a pioneer merchant, and James Rogers. A disturbing thing happened in relation to Rogers. In his senior year,

someone came forward with the news that he was a Negro. Some of the girls in the class professed to be deeply upset. To the credit of the Owls, of which he was a member, we rallied behind him. In looking at an old graduation program, I note that the only boy in our class who received any honors at all was Rogers. He was selected to deliver the salutation.

In about 1916 the Los Angeles Baseball Club was sold to John Powers, who later sold to William Wrigley. My father's investment in the baseball team had provided me with a gilded childhood, since I had a pass which read "Admit Robert Kenny and Party." We also had a box back of home plate. All of this was certain to underwrite my popularity with my juvenile contemporaries.

On Sundays, my father and I attended the baseball games at Washington and Main Streets, driving my mother's electric roadster. After the game my father collected the gate receipts, several hundred dollars in cash, and we drove to the bank at Third and Broadway. With total unconcern, he opened up the bank's main vault, threw in the canvas sacks, and then drove home. Bank robbers and armored trucks must have been the products of later years.

Neither my father nor mother were practicing church-goers, although Grandfather Carleton was an active Methodist, and I had been baptised in the Methodist Church by Bishop Charles E. Locke. Many years later the Bishop and I were on opposite sides of a Wet-Dry debate

at UCLA. This was still during Prohibition. Some smart aleck questioner sought to embarrass me by asking "Judge Kenny, do you drink?" I replied "Thanks lots for the invitation. Let's invite the Bishop, too."

My only contact with organized religion came when I was thirteen. I had met a nice old gentleman on the street. He asked where I went to Sunday School. When I told him that I had not yet taken up religion, he invited me to the Episcopal Sunday School at St. James Church. My congenital inability to say "no" asserted itself and I accepted. I went to St. James the following Sunday. The old gentleman, a Mr. Shaw, was waiting for me. I attended there for two or three years. I was confirmed by Bishop Johnson, grandfather of my friend, Joseph Johnson, the architect. As a result of meeting Mr. Shaw, I have always been able to put down on my questionnaires, when it came to religion, that I was an Episcopalian, although I have been inactive since age 16.

The late Isadore Dockweiler, former Democratic National Committeeman, once told me that the Episcopalians had the best political religion. "You are half a Catholic," he said. Since Mr. Dockweiler was a leading Roman Catholic layman in Los Angeles, I respected his judgment.

My original selection of a college was Yale. When I discovered my Western prep school training would not get me past the college entrance board examinations for Yale, I filed an application to enter Stanford, and was accepted.

After I graduated from high school, my mother bought me a 1917 Hudson Speedster automobile. This turned out to be a great social asset when I entered Stanford in October, 1917. There were very few automobiles owned by under-graduates at Stanford those days. I am sure it was this asset that drew me to the attention of the Phi Gamma Deltas, who invited me to join them and initiated me in December of 1917. One of the seniors in the fraternity was William D. Smalley, then editor of the Daily Palo Alto, the Stanford student newspaper. Smalley urged me to try out for the Daily. I did, and was selected as a member of the staff. From then on my sole ambition was to become a newspaperman, preferably a foreign correspondent.

At the beginning of my sophmore year I signed up as a major in English. The head of the English Department, Dr. William Herbert Carruth, bade me welcome, "I am glad to see so many virile young men coming into the English Department," he said. Later I found that there was only one other male student newly registered in the English Department that year. He was Alfred Wilkie, later with Paramount Pictures in New York for many years.

I completed my undergraduate courses at Stanford on August 20, 1920 technically at eighteen years of age, although I became nineteen the following day. I remained at Stanford for the fall quarter of 1920, doing desultory work as a graduate student in the Political Science Department. My principal objective that quarter was to launch a new

campus publication known as The Pictorial Review. This magazine survived a few years and then was merged with the Stanford Illustrated Review, the alumni monthly. Some of my Stanford newspaper friends included William Leiser, later sport's editor of the San Francisco Chronicle, Harry Borba of the San Francisco Examiner sport's desk, Earl Crowe, financial editor of the Los Angeles Times, Clem Randau of the United Press and Hal Rorke of the Los Angeles Daily News.

I was Stanford campus correspondent for the United Press in 1920. That year Herbert Hoover had returned to his home on the campus, after completing his tasks with Belgian Relief. An important story then was the unsolved mystery of whether Mr. Hoover was a Republican or a Democrat. He made the fateful selection when he was on the Stanford campus. I have always been very grateful to him. Despite the fact that there were special correspondents for national newspapers all over Palo Alto, Mr. Hoover would release his secret only through the campus wire service correspondents. That meant Landis Weaver of the Associated Press and Robert Kenny of the United Press and no one else. It turned out Hoover was a Republican. Surprise!

During that last summer on the Stanford campus I met Sara McCann, the stepdaughter of Dr. William Duffield, of Los Angeles. I left Stanford in December of 1920 and spent the holidays with the George W. Walkers in Los Angeles. I spent New Year's Eve with Sara in Los Angeles, being loaned the Walker's limousine and chauffeur for the

occasion. I left for London with my mother on January 2nd and she returned to Stanford. From January to June of 1921, my mother and I spent three months in Nice and then traveled through Italy, North Africa, Spain and France.

CHAPTER THREE

NEWSPAPER REPORTER

When I returned to Los Angeles, Mr. Walker and Mr. Gillis proceeded to work on their friend, Harry Chandler, to get a job on the Times for "Bob Kenny's boy." They succeeded. However, I did not become a general reporter, but was assigned to the financial desk to assist Chapin Hall. I think this was a fortunate break, because Chapin was able to give me special training and made me a better newspaper man than I would have been if left to my own resources in the City Room. Chapin later became Managing Editor of the Times.

All of the special departments of the Times were clustered together. This included the Financial Editor, the Real Estate Editor, Kyle Palmer, the Political Editor, the Society Editor, the Drama Editor and the cartoonist, then Ted Gale.

My first by-line appeared in the Los Angeles Times on April 8, 1922. The Los Angeles Chamber of Commerce made a special tour of the San Joaquin Valley and I was sent along as the Times correspondent.

On August 21, 1922 I attained my majority. Sara and I became engaged to marry.

My first contact with national and local politics was in June, 1920, when, as summer editor of the Stanford Daily, I was able to get myself appointed as usher at the Democratic National Convention in

San Francisco. I saw the young handsome FDR nominated that year for Vice President. However, down at the Times the night of August 29, 1922, I saw my first political miracle. The Times was supporting Friend Richardson, the State Treasurer, for Governor against the incumbent William D. Stephens. No one on the Times thought Richardson had a chance, except young Kyle Palmer, the political editor. On the night of August 29, the primary election returns surprisingly showed that Richardson was the Republican nominee. Kyle Palmer became a prophet and political genius overnight. He maintained that position for nearly forty years, until his death.

A few days after the election, Richardson returned to his home at San Bernardino. There was no one there to meet him. Just a few loafers around the station. "Boys," said Richardson, "did you hear that I just received the Republican nomination for Governor?" "Yeah, we heard some talk about it at the courthouse." "What did people say," asked Richardson eagerly. "Oh, they just laughed," was the languid reply.

On October 14, 1922, I was married to Sara McCann at the home of her mother and stepfather, Dr. William Duffield. I had resigned my job at the Times and induced them to employ Earl Crowe, who was just finishing at Stanford. Crowe stayed with the Times for several years and married Harry Chandler's daughter, Constance.

Sara and I left for our honeymoon. In New York I called upon Karl Bickel, President of the United Press. He had been a Phi Gamma Delta at Stanford some ten years before me. I inquired about employment

in the New York Bureau and he said there wasn't any, and then asked if I would be interested in working in London. I told him I was on my way there. Since I had already paid for my own ticket I suppose this made me attractive as a prospective foreign correspondent.

When we arrived in London, I reported to Ed Keen, vice president in charge of the United Press in Europe. He put me to work on the late night shift, beginning at midnight and running until eight o'clock in the morning. My job was to edit the cables that came in from our correspondents on the Continent and relay them to our offices in New York and Buenos Aires.

The night shift consisted of myself, an office boy and a telegraph operator. It was the office boy's duty to go to the various London morning newspapers and snatch the late editions as they came off the press. We also had an arrangement with the morning Post to receive its galley proofs. One night they were late and I asked the office boy to do something about it. I heard him call the Post and tell someone there that his "sub-editor" was complaining. I was tremendously impressed. It was the first title that had ever been given me. Actually, I never rose above the ranks of plain reporter during the next seven years I spent as a newspaper man.

The job I took in the London bureau had just been vacated by Westbrook Pegler, Jr. who was returning to the United States. He was then called Bud Pegler, because his father Westbrook Pegler, Sr., was

an old-time New York newspaper man and also an employee of the United Press.

Lyle Wilson, who has for many years been head of the United Press, Washington bureau, was on the staff of the London bureau with me. One of the senior men on the staff was Ralph Turner who became vice president of the United Press and later publisher of the Temple City Times in Los Angeles County. I observed that Ralph was a reader of the Nation and the New Republic. When I returned to Los Angeles, I wanted to keep in touch with foreign affairs. Since I greatly admired Ralph Turner, I subscribed to the Nation and the New Republic. My conversion to liberalism came about in this entirely accidental way. Henry L. Mencken, of whom I had become an avid reader as early as 1919, must also have contributed to shaping my political point of view.

Sara and I took a flat in Earl's Court Square in London, just above a flat occupied by David Church of the International News Service. In a few months the United Press had one of its periodic economy waves. New York cabled Mr. Keen to "downhold expenses" and I was given two weeks notice.

"Downhold" is cablese for holding down. The wire services discovered that if you put the preposition in front of the verb you could make one word serve the place of two and thereby cut cable tolls in half. My masterpiece of compression in London was when the sister of the Mayor of Cork broke her hunger strike and was taken to a hospital

in a taxi cab. My cable said: "Mary McSwiney hospitalwarded taxiably."

Our correspondent in Athens had been cautioned so much about holding down cable tolls that when he covered the news of the firing squad execution of all the members of a deposed Greek Cabinet, he sent the shortest cablegram on record. Earlier that day we had been informed that the unfortunate statesmen had been condemned to death, but no one believed that the sentence would be carried out. Our man in Athens, however, sent us the following two-word cable that afternoon: "Condemneds shooted."

Because it was only a two-word cablegram, the message was given precedence over the wordier messages coming from the other correspondents in Athens. The United Press scored a two hour beat because of this.

While I was waiting in London for something to turn up, Vincent Sheehan came over from Paris. We gave a party for him at our flat and during the course of the evening he told me of an opening on the staff of the Tourist Edition of the Chicago Tribune in Paris.

Despite a massive hangover, I was able to take the first boat train to Paris the following morning. Dave Darrah, the editor, gave me the job, and Sara and I moved to Paris 48 hours later.

The job in Paris was also a night job. One of my chores was to act as sport's editor. However, the only sport to be covered was

horse racing. Since horse racing had been outlawed in California for many years, this was one sport of which I knew nothing. I relied upon the selection of winners made by the more conservative French newspapers, and published a consensus of these findings as my own. I developed some following among the tourist colony. I never was able to see a horse race during that period, since I had to work nights.

During that time, King Tutankhamen's tomb was opened in Egypt. Lord Carnarvon, the discoverer, sold the exclusive publishing rights to a news syndicate. Some of the excluded newspapers started inventing their own discoveries of objects excavated from the tomb. The practice stopped, however, when one imaginative writer reported in some detail the unearthing of King Tut's typewriter.

In March, 1923, Sara and I returned to America. I called at the United Press office in New York and Bob Bender told me that I could become the Bureau manager of the United News in Los Angeles. Of course, this meant another night job, since the United Press served afternoon papers, and the United News was a new service designed to serve morning papers. The office was in the building where the Los Angeles Record, a Scripps paper was published. The Record editor was Ted Cook, later on the New Yorker, and author of the Hearst column of Cook's "Cookoos." The Sport's Editor was Ed Frayne, later a New York sport's editor. Ed's brother, Pat, was sport's editor of the Call-Bulletin in San Francisco. He later became a close

friend of mine in Democratic politics. The Drama Editor was Ted Taylor. The political editor was Reuben W. Borough, who later became a member of the Board of Public Works under Mayor Bowron and a leader in many progressive causes. Among the reporters were Ted Le Berthon and Don Ryan, who became important columnists and feature writers in Los Angeles.

When President Harding was taken ill at the Palace Hotel in San Francisco in July 1923, the United Press suffered one of its most singular attacks of economy. The President was reported on the road to recovery and the United Press saw no reason to continue paying overtime to the telegrapher, Tom Kelly, who therefore went off duty at six o'clock on the night of August 2, 1923. One half-hour later I received a call from one of our clients in Orange County asking what information I had about the President. I assured the Orange County editor that the President was doing just fine. He told me then that some of the boys at the drug store were listening to the radio and had heard that he was dead. I told him I would call him back and then telephoned San Francisco. They confirmed the radio report and apologized for having forgotten Los Angeles in general excitement. Forgetting Los Angeles meant all of our client papers in Southern California and Arizona. I was alone with a telegraph key clacking away, it was all Morse to me. I finally located Tom Kelly, got him back on the job, telephoned all of our clients and helped Ted Cook in getting out extra

editions of the Record.

On September 1, 1923, Cornelius Vanderbilt, Jr. published the first issue of his Illustrated Daily News. This became the United News' first morning client in Los Angeles. Our bureau was moved to the Daily News building at Pico and Los Angeles Streets. The first big wire story that we were able to deliver to the Vanderbilt paper was the news of the Japanese earthquake on September 1st. We were also able to turn in a creditable report the following weekend when a fleet of our Navy's destroyers went aground at Point Honda, above Santa Barbara.

However, I was tiring of night work and Art Turney, City Editor of the News, offered me the city hall beat for the paper. I accepted, resigned from the United Press, and took a two week layoff. A few days later Art Turney called me up with some embarrassment and told me I was fired before I had even gone to work. Neil Vanderbilt was surrounded by a coterie of sycophants. One of them told him that I was a "spy" for William Randolph Hearst. Actually, I never met Mr. Hearst until twenty years later, when I was a candidate for Governor and visited him at Wyntoon, in Siskiyou County. Mr. Vanderbilt and I became personal friends during the Wallace for President campaign in 1947, and he has been a client of my firm ever since. I think he has forgiven me for being a Hearst spy -- whatever that meant.

I was now out of work. Ted Taylor had rented offices in the

Lyceum Building at 231 South Spring Street. He also used this as his living quarters. Ted invited me to go into partnership with him in the formation of the Los Angeles Press Service. This organization was a news bureau designed to furnish special stories to out of town newspapers on matters that would not be carried in detail by the regular wire services. Ted and I operated this service for two or three years. It was a sideline to our regular reporting jobs.

I took a job with the Los Angeles Express in December, 1923 and was assigned to cover the courthouse and late police. Ted kept his job with the Record until 1925, then married and went to Paris, where he worked on the now defunct Paris Times for several years.

The job with the Express introduced me to the world of courts, lawyers, prosecutors and policemen. My headquarters was the Press Room on the third floor of the old red sandstone courthouse at Broadway and Temple. The building had been erected in the 1890's and everything was amply proportioned. The ceiling of the Press Room was at least twenty feet from the floor. On entering the visitor was greeted by a big streamer at ceiling height, covering the whole length of the Press Room wall. It proclaimed: "Thou shalt have no other God before me. Signed Morris Lavine." Morris was the star of our Press Room. He had the ingenuity to uncover the whereabouts of Clara Phillips, the Los Angeles "hammer murderess" who had escaped from the Los Angeles County jail. She was turned up by Lavine in

Honduras. Lavine had the story sewed up for days. Lavine, with Under-sheriff Biscailuz and Mrs. Biscailuz were alone in Honduras with no other American newspaper man for hundreds of miles around. They brought back Mrs. Phillips after she waived extradition.

Two other reporters for the Examiner were Doc Cook and J. T. R. "Bunny" Smith. Doc Cook had been a minister in the East, who figured in a sensational elopement with a member of his choir. Mr. Hearst felt that the Rev. Mr. Cook had been victimized by sensational journalism and gave him a lifetime job as a reporter with the Los Angeles Examiner, covering the divorce court. Bunny Smith was a Princeton graduate. He had contracted Parkinson's disease, which made it impossible for him to use his hands or feet normally. When he entered the various courtrooms, his disability required him to come in at a dead run. It was pretty startling to be sitting in a quiet courtroom with a jury trial in progress, see the doors flung open and watch Bunny sprinting to the clerk's desk. This part of our reputation for insobriety was unearned. All of us took turns in helping Bunny with his work. Bunny had a side line of selling probate bonds to lawyers and supported his family in some comfort in spite of his handicaps.

For years there had always been a stud poker game in progress in the courthouse Press Room. Bill Ferguson, of the Record, and I introduced chess. In a few month's time the poker game was forgotten and several chess boards were in operation. When Bunny Smith and I

played chess, I had to make the moves for both of us. Bunny would say, "See, only one good hand is needed in this game for the two of us."

The Times was represented in the Press Room by John Blackburn, with Lui Venator as his assistant. Lui had been at Stanford with me. He later had the Times beat in Hollywood and then was the New York Times correspondent in Manchuria. Venator and his wife, Dorothy, returned from Harbin to Los Angeles in the 30's and my firm represented him in a protracted contest to recover his deceased mother's estate from his stepfather's kinfolk. During that time I was able to get Lui placed as manager of the State Exhibition at Exhibition Park. He did a tremendous job. Under his leadership, the institution at Exposition Park expanded greatly. Lui died suddenly in 1955.

I suppose one of the most influential men in my life was Roy Allen, who came to the Press Room for the Times in 1924. He went quietly about his work without attracting much attention. After he had been there only a few months, I reported to the Press Room one day that I had picked up an interesting book on a newsstand entitled "How to Obtain a California Divorce and Avoid the Publicity Hazard." After a general discussion of the book among the reporters, Allen called me aside and asked me if I liked it. I told him I did. "Well," he said, "I wrote it."

Some of those reporters had been covering divorces for ten years

but had never seen the publishing possibility that Roy was able to see as soon as he came on the job.

Allen hadn't been there much longer when he observed that the Superior judges occasionally were called upon to appoint someone as receiver. Roy had already a wide business experience. He had been city editor of a newspaper in Pittsburgh and then had gone into the coal business. When the coal business collapsed, he settled up his debts, came West and started to work as a newspaper reporter again. None of the rest of us had ever thought of becoming receivers. However, Roy made himself useful and an expert in that field. Since 1925 Roy has had over ninety percent of all of the receivership appointments in the Los Angeles Superior Court.

The Herald's representatives at the Press Room were Reginald Tavener, an Australian, and Al Phillips, who had specialized in covering divorces for many years, and had a personal filing system that made him the outstanding specialist in that field. Lloyd Emerson, of the Examiner, covered the District Attorney's beat with me later.

We had several specimens of the old-time "boomer" reporter who had worked on newspapers all over the United States and had developed legendary reputations. One of them was Jack Carberry.

When Carberry covered the investigation of the Gordon Northcott murders, he made local newspaper history. Jack was working for the Express, which had a failing circulation, and depended on sensational

headlines to boost street sales. Northcott was a sex deviate. His murder victims were several young boys. The crimes occurred at his desert ranch in San Bernardino County. Carberry was at the ranch with Sheriff's deputies, trying to uncover the graves of the murderer's victims. One morning he phoned in a lead to the Express which opened with the sentence "Army Planes today joined Sheriff's deputies in searching for the bones of the victims of mass child slayer, Gordon Northcott." Herb Spencer,the Express city editor,liked that and told Carberry to get him a new lead for the eleven o'clock edition. With the aid of some Etiwanda bootleg brandy, Jack went to work on a new lead. At eleven o'clock he phoned it in: "Out of the gray mists of the morning, steaming up the Santa Ana River, today came the U.S. Aircraft Carrier Saratoga bearing Navy planes to join Army planes in assisting sheriff's deputies in the search for the bones of the victims of Gordon Northcott."

At this point Herb Spencer saw what the re-write man was taking in. He leaned into the phone to tell Jack he thought he was a little tired and ought to come home.

Two other famous migratory newspaper men were Pat O'Hara and Charles Williams. They came to the Press Room together from New Orleans. Charles Williams had a penchant for widows. We were all covering the murder trial of Margaret Willis, who had murdered her personal physician, Dr. Benjamin Beecher Baldwin, then stolen

his automobile to transport his body in a truck which she threw into a canyon. One evening when Sara and I were living at 1515-1/2 South Wilton, Williams and Pat O'Hara appeared accompanied by Dr. Baldwin's young widow. They seemed to be in funds and brought some fine liquor along. It turned out they had pawned the doctor's surgical instruments for this purpose. I asked them how they had come to our apartment, since I knew they were without transportation. They took me to the window and said, "Look!" There was Exhibit "A", the "death car," out in front.

There was a time when O'Hara retired from the newspaper business and moved into a cave in the Ojai Valley. He had persuaded Khrisnamurti, the living Buddha, to give him a pair of his old tennis shoes. Armed with these relics, Pat was able to set himself up as a holy man in Ojai. He read the palms of dowagers who came to his cave with food, drink and other conveniences.

I suppose that the best post graduate course anyone could have to prepare for public life is a few years as a courthouse reporter. Nearly all of the friends that I ever made in my formative years were newspaper men. Newspapermen never were joiners. The ability to say "I am a newspaper man" or even "I was a newspaper man" was enough to gain admittance to as close a fraternity as anyone would ever want.

In Los Angeles in my time we never had a Press Club. Mostly

because the Los Angeles Times was so opposed to unionism that it forbade its staff to join even so harmless an organization as a press club. The American Newspaper Guild did not come until 1934. When it did, Jonathan Eddy became guest for several days in Long Beach, where I was then sitting as Superior judge. Eddy had come out from New York to organize the first chapter of the American Newspaper Guild in Los Angeles.

Although I was paid only $40 a week as a courthouse reporter, the job gave me the illusion of wealth and independence. In exchange for squaring traffic tickets for the office staff, we had passes for nearly every entertainment and sporting event. Liquor was free because the dry squads of the sheriff's office, the district attorney and the police competed in furnishing us with the best specimens of the evidence seized from bootleggers. We dispensed important favors to judges. In those days, most judges were uncertain of re-election and a stream of favorable news stories was the life-line to job security. All of this was heady stuff for a twenty-two year old cub.

When I went to the courthouse press room for the Express, the man who worked immediately opposite me for the Evening Herald was Harold L. "Buddy" Davis. Buddy was studying law and he encouraged me to do likewise. He pointed out that several newspaper men had become lawyers and judges, including Judge Fletcher Bowron of the Superior Court, and Judges James H. Pope, Raymond Turney of the Municipal

Court. Judge Turney was a younger brother of Art Turney, Vanderbilt's City Editor.

In June, 1924, Davis left the Herald to become secretary to Asa Keyes, the District Attorney. Keyes had been appointed district attorney to fill out the unexpired term of Thomas Lee Woolwine. After being defeated as the Democratic nominee for Governor in 1922, Woolwine's health failed and he resigned. Keyes had been a deputy district attorney for a great many years. His father, Charles Keyes, had been a pioneer county clerk.

Davis recommended me for his job on the Herald and I took it. It paid $5 more a week. This was how Mr. Hearst put me through law school.

Keyes was running for re-election. He was opposed by Police Judge Caryl Sheldon. Judge Sheldon's mother was an important figure with the Dry forces in Los Angeles. In the primary on August 26, 1924 Keyes beat Judge Sheldon. About this time, Davis was admitted to the Bar and became one of Keyes deputies.

A singular feature of Los Angeles politics in 1924 was the continuing strength of the Ku Klux Klan among public officials. One man appeared every day in the corridors of the District Attorney's office. He seemed very much at home there. I was informed that he was the official liason man between the Kleagle and the District Attorney. He was on the District Attorney's payroll as an "investigator." Another

investigator was Bert Franklin. He had been a private detective for the McNamara defense ten years before. At the trial of Clarence Darrow for fixing a juror, Franklin turned on his former employer and became a witness against Darrow. The jury acquitted Darrow but from then on Franklin had a life-time job with the District Attorney. Jack Diamond, a cheerful red-haired roughneck was another "investigator." He specialized in testifying against his former I. W. W. associates in criminal syndicalism cases. He expressed shock one day when he saw me reading a current issue of the Nation in the District Attorney's office.

In September, 1924, I started taking day courses at the USC Law School then located at First and Broadway. My hours were so arranged that I could attend an eight o'clock and nine o'clock class, then go to work for the Herald at the courthouse and perhaps slip down again for an afternoon class. My professor in elementary law was Justice Gavin Craig of the District Court of Appeal.

My first vote for president was cast in November, 1924. Two years of exposure to the Nation and New Republic had made me an ardent supporter of Senator Robert LaFollette who ran as an Independent that year against Calvin Coolidge and John W. Davis, the Democratic candidate. In California, LaFollette was forced to run in a Socialist because of a 4 to 3 decision of our State Supreme Court in Spreckels v Graham. The three dissenters were Justices Lennon,

Lawler, and Seawell (194 Cal. 516).

In March, 1925 we moved to a house that my mother had built for us at 1941 North Serrano in East Hollywood. Shortly afterwards Sara took ill, and her stepfather, Dr. Duffield, took her to the Cottage Hospital in Santa Barbara. She was there until June 28, the day before the earthquake in Santa Barbara. Luckily she was safe at home when that occurred.

The Spring municipal primaries of 1925 marked the high water mark of the Parrott-Craig-Haynes machine, as the Times called it. The Times was referring to Justice Craig, my law professor, Kent K. Parrott, a young lawyer, and Dr. John R. Haynes, a respected physician, who, with his brother-in-law, Dr. Walter Lindley, were the leaders of the public ownership movement in Los Angeles. They had united in 1921 to elect George Cryer, former deputy city attorney, as Mayor of Los Angeles. George Cryer represented a coalition of the forces opposed to the Los Angeles Times. He had the support of the Examiner and of the Municipal Bureau of Power and Light.

E. F. Scattergood, General Manager of the Bureau, had made this agency a strong political force for reasons of self-preservation.

The Times and the Edison Company were constantly trying to limit the growth of publicly owned power in Los Angeles. In 1925 these forces induced Judge Benjamin F. Bledsoe of the U. S. District Court to resign his lifetime post in order to run for mayor against

Mayor Cryer. Kent Parrott had a cartoon designed which was posted all over Los Angeles. It showed the backs of two men. The larger man was labeled "Harry," referring to Harry Chandler of the Los Angeles Times, and the smaller man in judicial robes was labeled "Ben." The caption was a simple one -- "Harry calls him 'Ben.' " The Bledsoe crowd was furious. They countered with a poster bearing an idealized likeness of a friendly judge. The caption was "Everybody calls him 'Ben.' " After Cryer won the election, the latter poster was amended by the wags to read "Everybody calls him 'Has-Ben.' "

In September, 1925, I transferred from USC Law School to night courses at Loyola College. I studied code pleading under Leon Yankwich, attorney for the Los Angeles Record. I also took a course in evidence from Joseph W. Ford, noted Los Angeles trial attorney. At the same time, I began a daytime quiz course for the Bar examination. This was given by George Nix, a remarkable attorney who had lost his sight, but who had converted his handicap into an advantage. Nix knew every important California case by book and page, and had also memorized every important California Code Section. Nix and Yankwich were the two men who made a lawyer out of me.

After taking the Nix quiz course twice, I decided to take the June 20 Bar examination "for practice," since I felt that with my spotty and irregular legal education, I would be subject to special scrutiny. In August, 1926 I was sitting in the courtroom of Judge Arthur Keetch,

reporting the proceedings, when Ken Taylor, a reporter and brother of Ted Taylor, came in with the happy news that I had passed the examination. I was admitted to the Bar on September 13, 1926.

CHAPTER FOUR

1926 - The Aimee McPherson Case

In February, 1926, Lt. Governor C. C. Young announced his candidacy for governor against Governor Friend Richardson. Young had the support of the Parrott-Craig-Haynes alliance. He also had the support of the Bank of America. The latter institution was still a state bank then and Richardson's Superintendent of Banks had not been sufficiently liberal, in its opinion, in granting charters for branches.

About the same time, Buron Fitts, Chief Deputy District Attorney under Asa Keyes, announced that he would be a candidate for Lt. Governor. Fitts took a leave from his post in the District Attorney's office, and Buddy Davis was appointed Chief Deputy in his place. Buddy took office just in time to be confronted with the biggest "non-crime" of the generation. This was when Aimee Semple McPherson, Pastor of the Four Square Gospel Church at Echo Park, Los Angeles, went for a swim at Ocean Park and disappeared. For five weeks a search was carried on for the missing evangelist. Deep sea divers combed the sea for her body and memorial services were conducted at the Four Square Gospel Church.

On June 23rd, Mrs. McPherson re-appeared at Douglas, Arizona. She reported that she had been the victim of a kidnapping

and had just managed to escape from her kidnappers somewhere in the Mexican desert, south of Douglas.

Nothing ever sold more newspapers in Los Angeles than the Aimee affair. The Rev. Robert P. Shuler of Trinity Methodist Church South demanded that District Attorney Keyes conduct an investigation. Deputy District Attorney Joe Ryan was assigned to the case and Detective Captain Herman Cline, his father-in-law, was assigned to the matter by the Police Department. Witnesses were summoned before the grand jury, including Mrs. McPherson and her mother, Mrs. Kennedy. Newspaper sleuths were all hot on the trail of Mrs. McPherson's actual whereabouts during the five weeks in question. Finally, two weeks after the state primary election in August, District Attorney Keyes announced the issuance of complaints for obstruction of justice against Mrs. McPherson, Mrs. Kennedy and a Mrs. Loraine Wiseman, who was alleged to have furnished a false alibi for Mrs. McPherson. On September 27, Municipal Judge Samuel Blake began a preliminary hearing on the obstruction of justice complaint. Mrs. McPherson was represented by William I. Gilbert, a dean of the Los Angeles Bar, who was also an attorney for the Southern Pacific.

After five weeks of mounting sensations, Judge Blake announced that he was holding the three women to answer charges in the Superior Court. Actually, Aimee's only real crime was that of minding her own

business, but that was more than our local bigots could bear.

The August 31st primary saw the last victory that was to come to the Parrott-Craig-Haynes organization. Their candidate, Lt. Governor C. C. Young, beat the incumbent governor Friend Richardson.

Buron Fitts was elected Lt. Governor over State Senator Frank Merriam. The most interesting vote in the election was for Chief Justice. The incumbent, W. H. Waste, received 473,704 votes, but his opponent, Associate Justice Thomas J. Lennon, received 268,818 votes, despite the fact that Lennon died two weeks before the election, when it was too late to remove his name from the ballot. The Los Angeles Record advised its readers to vote for Lennon as a protest to Waste's 1924 decision against Senator LaFollette in Spreckles v Graham, removing him from the ballot as a Progressive.

The November, 1926 election, saw the last instance where justices were voted to seats on the Supreme Court by a direct vote of the people. John W. Preston, U.S. District Attorney under Woodrow Wilson, and W.H. Langdon, one of the San Francisco graft prosecutors, were elected. The 1926 election was also the last election in which the Superior Judges in Los Angeles County ran in a pack. After 1926, the law was changed so that the superior court judges ran separately for differently numbered offices.

Throughout the year 1926, Rev. Shuler had been attracting considerable attention by his demands that Aimee McPherson's

disappearance be investigated. During all of this time Mrs. McPherson's church had a radio and she was able to state her side of the case. Rev. Shuler had no radio. However, at Christmas of 1926, the inequality was removed. A Miss Glide of Oakland, a wealthy follower of Rev. Shuler, made him a Christmas present of a radio station. This became the most significant event in the history of Los Angeles politics for the balance of the 1920's.

C.C. Young, the newly-elected governor, was one of the best endowed men ever elected to the office. A scholarly type, he was selected by the Hiram Johnson progressives to serve as Speaker of the Assembly and later to serve two terms as lieutenant governor. His victory over the stand-pat Republican, Friend Richardson, was popular with labor and reform forces. However, his luck ran out during the four years of his governorship. He had just taken his seat when the Julian petroleum scandal crashed around his newly-appointed Corporations Commissioner and the last year of his term was flawed by the collapse of several savings and loan institutions, regulated by his Building and Loan Commissioner.

In Young's second year as Governor, California was shaken by "Blue Monday," June 11, 1928, when Bancitaly stock broke from $195 to $109 a share. A.P. Giannini, President of the Bank of Italy, had been Young's most prominent supporter in the August, 1926 primary. The crash in bank stocks was probably beneficial in the long run, since

it cushioned for California, the national crash on the New York Exchange on October 29, 1929. Mr. Giannini had long pleaded with investors to purchase their stock "outright" - not on margin. Those who took his advice never lost any money.

Governor Young also was a "dry." Reformers and Prohibitionists had much in common politically and had joined in many victories. But the "wet" sentiment was not to be denied when a mounting depression developed after the collapse of stock prices.

CHAPTER FIVE

1927 - The Julian Petroleum Crash

The McPherson case disappeared from the courts but not from the headlines on January 10, 1927, when District Attorney Keyes bowed to legal realities and dismissed all charges against Mrs. McPherson, her mother, and Kenneth Ormiston, the radio technician at the Four Square Gospel Church. By then, it appeared from evidence produced by the newspaper investigation that Mrs. McPherson had actually been in Ormiston's company at a cottage in Carmel during the period of her disappearance. To the everlasting credit of Ormiston, he spurned all newspaper offers to purchase his "true story." He went to his grave without ever unsealing his lips on the events of May and June, 1926.

C. C. Julian was a promoter who used flamboyant publicity methods to sell stock in various oil and mining enterprises. In the early 20's he had launched the Julian Petroleum Company, and the public invested heavily in it. Surprisingly the Julian Company turned out to be more than a stock selling scheme, it had come into the possession of valuable oil properties. In 1925 Julian was persuaded to withdraw from the active management of the company bearing his name, and his place as president was taken by S. C. Lewis, who came to California from the East with Jack Berman, alias Jack Bennett,

who became his associate in the operation of the Julian Company.

In August, 1926 it was announced that the Julian Company would merge with a larger concern, the California Eastern. Upon this news, Julian stock prices gyrated wildly on the Los Angeles Exchange.

When Governor Young took office in 1927, he appointed Jack Friedlander to the post of Corporation Commissioner. Friedlander had been Mayor Cryer's appointee as City Prosecutor of Los Angeles. His appointment as Commissioner was favored by Kent Parrott, an active supporter of Governor Young, in the 1926 campaign.

It soon turned out that the new Corporation Commissioner had his hands full. On May 5, 1927 the great Julian crash occurred. Trading in the stock was ordered to cease on the Los Angeles Stock Exchange. It was soon discovered that Lewis and Berman had loaded the market with unauthorized stock certificates. Joseph Scott and H. L. Carnahan, Los Angeles attorneys, were appointed receivers of the Julian concern. On May 19, Lewis and Berman were indicted, but Berman in the meantime had fled to France.

It was then learned that the over-issue in Julian stock had been made possible by financial "pools" which included a great number of prominent Los Angeles businessmen. These men had been getting returns of one hundred percent per month on their "pool" investments. Altogether, over $150,000,000 was lost in the Julian fiasco and over 40,000 investors lost their money.

District Attorney Keyes and the Grand Jury addressed themselves to the Julian case at once. On June 24, 1927, 29 indictments were returned naming many prominent Los Angeles leaders and notably officials of the First National Bank.

Although I had been admitted to practice law, I did not enter the profession immediately. There was too much excitement going on in 1926 and 1927 and, as a courthouse reporter, I was in the center of it. However, my knowledge of law stood me in good stead. I knew that when an indictment is returned the defendants are entitled to a copy of the Grand Jury transcript. The Julian Grand Jury hearings had gone on for several weeks, and many volumes of transcript had been prepared. All this testimony had remained secret. I arranged with one of the defendants to take delivery on his volumes of the transcript as soon as the Grand Jury shorthand reporter had completed them. James Bolger, another Herald reporter, and I then proceeded to digest the secret testimony and for two days the Herald was filled with our exclusive summary of the disclosures in the transcript.

This was the last news story I ever worked on. In September, 1927 I was appointed a Deputy by County Counsel Everett W. Mattoon. The County Counsel is the civil attorney for the County of Los Angeles. On the day that I was sworn in, two other deputies were also sworn in - William McKesson, later District Attorney of Los Angeles County

and Harold Huls, later Railroad Commissioner and Superior Judge of Los Angeles County. I served four years as a deputy county counsel.

In August of 1927, Governor Young made some outstanding appointments to the Superior Court bench. Ten new judgeships had been created by the 1927 Legislature. Among those appointed were Clair S. Tappan, a law professor at USC, Leon Yankwich, my professor at Loyola, William T. Aggeler, the County Public Defender and Charles Fricke, Assistant District Attorney and a leading authority on criminal law. Later that year, Governor Young appointed Marshall McComb to another vacancy on the Superior bench.

In August of 1927, Sacco and Vanzetti were executed in Boston. I was one of the many millions of Americans who were awakened by that event to the ugly miscarriage that our legal system was capable of producing.

Shortly before midnight on March 12, 1928, the St. Francis dam collapsed and 400 persons lost their lives in Ventura County. The dam had been constructed as part of the aqueduct system carrying Owens Valley water from Inyo and Mono Counties to Los Angeles. The catastrophe resulted from a failure to discover that the dam had been constructed on a geologic formation that simply would not support it. The District Attorney, the State of California, the Ventura farmers all launched investigations. Even Rev. Shuler got into the act over his radio. The tragedy was a lethal blow to the Los Angeles City administration. In the following year, Mayor Cryer announced that he would not seek re-election.

CHAPTER SIX

A BREAKDOWN IN THE ADMINISTRATION OF JUSTICE

The year 1928 opened with the trial of S. C. Lewis, Jack Berman and Ed Rosenberg, a stock broker, before Superior Judge William C. Doran. The trial began on January 5th. On January 21st, Buddy Davis resigned as Chief Deputy District Attorney.

The Julian trial continued for several months, being conducted by District Attorney Asa Keyes. On May 19, Lieutenant Governor Buron Fitts announced that he intended to run for District Attorney at the August primary. In the following week, on May 24, 1928, the jury acquitted all of the Julian defendants. Judge Doran denounced the astonishing verdict as a miscarriage of justice.

No one ever went to jail for directly participating in the Julian collapse. The United States Attorney had commenced proceedings against Lewis and Berman for mail fraud, arising out of an earlier promotion of the Lewis Oil Company. They eventually went to the federal penitentiary because of this crime. Two of the jurors who had voted for the acquittal in Judge Doran's court were later convicted of accepting bribes for their votes. District Attorney Keyes was convicted of accepting bribes for "softening up" the Julian prosecution. A newspaper reporter who attempted to extort money from some of the Julian principals by threatening to expose them with suppressed evidence that had come into his possession, served a year in the county jail.

At the primary election on August 28, 1928, Lieutenant Governor

Fitts was elected District Attorney of Los Angeles County.

The 1928 primary was the first election in which superior judges ran by office number instead of in a group. It was also the first campaign in which Rev. Shuler was able to bring his radio to bear upon candidates for public office. Two incumbent superior judges lost their seats in August to Shuler-endorsed candidates. Judge Doran ran behind Mrs. Georgia Bullock, but the votes obtained by a third candidate required them to go into a run-off election in November, at which time Judge Doran was re-elected by nearly a two-to-one margin.

In the fall of 1928, Albert Marco, a so-called "vice-baron," was convicted of an assault which occurred during a party at the Ship Cafe, on the Venice pier.

People v Albori,(97 Cal. App. 537). I always thought Marco was mainly a synthetic bad-man, wearing a tag hung on him by the newspapers. He spent five years in prison as the price of bad public relations.

On September 30th, Governor Young filled the Fitts vacancy in the Lieutenant Governor's post by appointing H. L. Carnahan, receiver of Julian Petroleum.

On November 1, 1928, District Attorney Keyes, Jack Bennett, Ed Rosenberg and Ben Getzoff, a Spring street tailor, were arrested for bribery arising out of the acquittal of the Julian defendants earlier that year. The exposure was based upon a diary, kept by

Milton Pike, a journeyman tailor employed by Getzoff. Pike had noticed the comings and goings of the District Attorney in Getzoff's shop. He carefully chronicled them. The diary was published by the Los Angeles Times. Keyes'nemesis in this investigation was Arthur Loeb, a Julain stockholder. Loeb had lost an eye during a fracas at an early Julian stockholder's meeting. H. J. Kimmerle, the man responsible for Loeb's injuries had been convicted of assault and his conviction affirmed by the appellate court in March, 1928 (90 Cal. App. 186). However, a few days after Kimmerle started serving his sentence, he was granted a parole with the approval of Asa Keyes. Loeb was tenacious. He pursued Keyes thenceforth until the District Attorney was convicted.

On January 16, 1929, Keyes' trial began before Superior Judge Edward Butler of Marin County. Buron Fitts acted as the prosecutor. Many people have criticized Buron for taking on this job, since Keyes had once been his friend and superior officer. Buron was a handsome, competent courtroom lawyer. He was the cousin of Ray Petifils, my closest friend in high school. Buron had an excellent war record, was wounded overseas and an American Legion leader. His elections as Lieutenant Governor and District Attorney marked him for great things in California public life. Despite all of this, a small group of Fitts-haters first made its appearance in 1929 and steadily grew until he was finally defeated by John Dockweiler in 1940.

The beginnings of the "Hate Fitts" campaign came with his prosecution of Asa Keyes. I do not see how Fitts could have avoided conducting this prosecution. There had been a serious breakdown in law enforcement in Los Angeles County and the people were entitled to the assurance that the new District Attorney would personally undertake to correct the situation.

On February 8th, Keyes was found guilty and remanded to jail. His appeal was denied (103 Cal. App.634), and he was not released from San Quentin until October 13, 1931. He died a few years later.

On March 5, 1929 Jack Friedlander resigned as Corporation Commissioner and Governor Young appointed Fred Athearn of San Francisco to take his place. On April 17, 1930, Friedlander, Charles Crawford and S. C. Lewis were indicted on bribery charges made by Jack Roth, a partner of C. C. Julian, in connection with stock sales regulated by the Corporation Commissioner. The case, however, was dismissed by Buron Fitts on October 20, 1930, when Jack Roth refused to testify on constitutional grounds.

In the 1928 campaign, Herbert Hoover beat Al Smith for the presidency. I was very strong for Smith and listened devoutly to all of his radio speeches. I took no part in his campaign; however, I was a deputy county counsel then and could not take part in any overt political activities without coming into conflict with the County Charter.

THE 1929 LEGISLATURE

Every odd-numbered year, a deputy county counsel was assigned to attend the legislature in Sacramento. Homer Mitchell, a classmate of mine at Stanford, had the assignment in 1927. When he left the office to join the O'Melveny law firm in 1928, I applied for his assignment and County Counsel Mattoon gave it to me. I went to Sacramento on January 1, 1929 and set up headquarters in the Senator Hotel. Several of my Stanford friends lived in Sacramento. My closest friend there was Fred Pierce, then an attorney with the firm of Downey, Brand and Seymour. Fred became Presiding Justice of the Third District Court of Appeal in Sacramento in 1963.

I also found many friends among the newspaper men at the Capitol. Carl Moritz, of San Francisco, was there for the Hearst Service. Ross Marshall covered the session for the Los Angeles Express. Elwood Squires was one of the United Press men there. Prohibition was still in effect, but the Los Angeles County expense account permitted me funds for entertainment, and this was converted into excellent prescription bourbon very much appreciated by the press and my Stanford friends in Sacramento.

An unusual event of the 1929 session was the impeachment trial of Superior Judge Carlos Hardy of Los Angeles. The judge had accepted a love offering of $2,500 from Mrs. Aimee McPherson. The Assembly voted a bill of impeachment and the Judge was placed

on trial before the State Senate. The votes to convict him lacked the necessary two-thirds and he retained his seat upon the bench. The State Bar tried to discipline Judge Hardy, but the Supreme Court held that a judge was not a lawyer, and therefore not subject to State Bar discipline. Judge Hardy's term expired in 1930 and he was defeated for re-election by Municipal Judge Raymond I. Tunney.

I presented to the Legislature the bills that were proposed by the various County officers. One of the most important of these measures in 1929 was presented by Registrar of Voters William Kerr. It was designed to change the law so that voters would be permanently registered, instead of being re-registered every two years. One argument in favor of the bill was that it would save the counties a great deal of money, since a fee had to be paid to the county clerks for each new registration and in most of the counties, the county clerks were compensated on the basis of the fees collected. Naturally, they appeared enmasse in Sacramento to oppose Kerr's proposal. The bill was defeated. The following year, Kerr and J.H. Zemansky, the Registrar of Voters in San Francisco, presented an initiative petition to the voters as they were being re-registered. It was the simplest way ever discovered to circulate an initiative petition. Sufficient signatures were soon obtained and the permanent registration measure qualified. At the general election in 1930, the permanent registration proposal was adopted. All of the voters of the state were

re-registered in 1932 and they have remained on the rolls ever since, so long as they continued to cast a vote in either the primary or general election each biennium. The permanent registration system has done much to increase voter participation in California elections.

Although Buron Fitts was just beginning his first year as District Attorney, there were many who thought that he would move on to a higher office, such as Governor. Important political planners also believed that the ideal candidate to succeed Buron Fitts as District Attorney would be Superior Judge William C. Doran. As a consequence, Assembly Constitutional Amendment 17 was passed. It amended Article VI, Section 18 to permit superior and municipal judges to run for non-judicial offices. This amendment was adopted by the voters at the November, 1930 general election. It has permitted many candidates to run for non-judicial office with the imposing ballot title "Judge of the Superior Court." Fletcher Bowron was elected mayor under these circumstances. The amendment helped my election to the State Senate, Judge Goodwin Knight as Lieutenant Governor and Judge Stanley Mosk as Attorney General. The strange thing is that Judge Doran never ran for District Attorney. He was soon promoted to the Appellate Court where he became ineligible to run for any non-judicial office. He remained in that post until his retirement in the late 1950's.

I learned much about the legislative way of life while in Sacramento.

One state senator in attendance was Joseph Pedrotti. He was a great practical joker. He could often manage to loan some friend an exploding match just before the Chaplain offered the prayer. Then, in mid-prayer when the victim was irreverently lighting his cigarette, the match would explode to his great embarrassment, and the puzzlement of the Chaplain.

Somewhere Senator Pedrotti came into possession of a $100 bill. Each morning he would slip it into an envelope addressed to himself, and hand it to a page. As soon as Senator Pedrotti had taken his seat, the page would come down and hand him the envelope. The Senator would open the envelope with just enough surreptitiousness to attract the attention of his seat mate. This legislator would see Senator Pedrotti take out the $100 bill and quickly lodge it in his vest. After this performance had been repeated about five times, it became too much for the other legislator. He turned to the Senator and said: "Joe, what's the matter, ain't I voting right?"

This latter member was once approached by a lobbyist to vote for a measure. He looked it over and assured the lobbyist that he thought it was a good bill. Later he heard rumors that the lobbyist was paying other members for their votes. When the roll was called, this member voted "no." The lobbyist hurried down the aisle to see him. "Senator," he said, "I thought you said this was a good bill?" "Sure," replied the legislator, "but good for who?"

At the conclusion of the 1929 session, I compiled a digest of the new laws which were of special interest to the legal profession. This was published in the legal periodicals. Every biennium since then, even during the years I served as Attorney General, I continued to compile this digest, partly for my own education, and partly for its publicity value. The 1963 digest was my seventeenth edition.

The April 1929 municipal primary saw the collapse of the Parrot-Craig-Haynes machine. George Cryer, the incumbent mayor, was not seeking re-election. The machine backed William P. Bonelli, formerly a professor of Political Science at Occidental, who had been elected to the City Council in 1927 and promptly was chosen as President of the Council. The Los Angeles Times backed John R. Quinn, former National Commander of the American Legion, and later County Assessor of Los Angeles County. Rev. Shuler backed John C. Porter, foreman of the reform grand jury that had indicted Asa Keyes. Porter was in the waste materials industry, a profession sometimes known as "junk dealing." To everyone's surprise, Porter ran first, Bonelli second and the Times' candidate, Quinn, was eliminated in the primary.

Jesse Stephens was also retiring as City Attorney that year. The contestants for his place were City Councilman Peirson Hall and Erwin "Pete" Werner, whose wife, Helen Werner, had already become an important figure in Southern California Republican politics. "Pete" Werner defeated Hall (Hall later became United States District Attorney,

and a Superior judge, appointed by Governor Olson. In 1942 President Franklin Roosevelt appointed Judge Hall to the U.S. District Court).

The general election on June 4, 1929, saw Porter's victory over Bonelli. It was a great triumph for Rev. Shuler, whose radio provided him with the most powerful political weapon that had yet appeared in the hands of any individual in California.

When Alexander Pantages was on trial before Judge Fricke for the alleged statutory rape of 17 year old Eunice Pringle, Rev. Shuler expressed fears over the radio that the jury had been tampered with by agents of the wealthy theatre owner. Shuler and another reforming pastor, Rev. Gustav Brieglib, a Presbyterian, were convicted of contempt of court in 1929 for their comments about the Pantages case. They were sentenced to pay small fines. It turned out they were wrong about the jury, because Pantages was convicted. The conviction was later reversed because of the misconduct of District Attorney Fitts in his argument to the jury (212 Cal. 237).

During 1929, I made several visits to Yuma County, Arizona with Roy Allen and Hal Rorke, a close Stanford friend of mine who was then City Editor of the Daily News. In 1924, Vanderbilt had lost the Daily News and after a receivership, it had been picked up by Manchester Boddy, who was then its publisher. Allen, Rorke and I had invested some money in unimproved real estate in the eastern part of Yuma County. We thought it would be interesting to set up a citrus nursery

there. One attraction of the venture was the fact that on our way to Yuma we could always go across the border to Algondones and drink beer. There was plenty of potable hard liquor available in California during prohibition; good beer was unobtainable. Between Mexicali and Yuma we travelled on the one-car train provided by the Southern Pacific of Mexico. We must have been good train customers during those depression years. On one occasion we drank all the beer that the train butcher had in stock. We asked him for more. He excused himself, and went forward to the engineer. The next thing we knew, the train started backing up for about a mile and a half. We saw the butcher run to a cache in a clump of willows. He returned with a case of cold beer. During the depression the Southern Pacific had become much more accommodating than it was in the days when Frank Norris called it "The Octopus."

I owed one thing to my training as a financial editor. Nearly everyone else was in the 1929 stock market. I kept out and the New York crash in late October did not affect me. I did buy some stocks after the decline. We did lose our money in the Arizona grapefruit venture because a band of wild horses came in and ate the tops of all of our seedling trees. We put up a fence to keep out the horses, then a horde of jack rabbits came along and finished the job.

CHAPTER EIGHT

THE ROLPH CAMPAIGN FOR GOVERNOR

Early in January 1930, Buron Fitts announced that he would be a candidate for governor against the incumbent, C. C. Young. That winter, Sara and I visited Agua Caliente, a plush hotel and gambling resort adjacent to Tijuana. While there, we ran into Carl Moritz, my newspaper friend from the Sacramento session, and drove him back with us to Los Angeles. A few weeks later Moritz came to Los Angeles as press agent for Mayor James Rolph of San Francisco, who was going to be the third candidate in the race for Governor.

In this three-cornered race, Fitts had the ardent support of Rev. Shuler and the Los Angeles Times, and Governor Young the support of the Hiram Johnson progressive forces. However, a new political factor was working for Mayor Rolph. As mayor of San Francisco, a free and hospitable city, he became identified with the aspirations of the slowly emerging "wet" forces of the state.

There were no Democratic politics to speak of in California throughout the 20's. In San Francisco the Democrats in 1930 re-registered as Republicans by the thousands to help their beloved Mayor Rolph to get the Republican nomination, which was then tantamount to election. In 1918, Rolph had received the Democratic nomination for governor, but because he was a Republican and lost the Republican nomination, he was disqualified and Governor William D. Stephens was elected.

Moritz invited me to join the Rolph campaign. Since I was still a deputy county counsel with civil service status, I could not come out openly for Rolph. However, I promised to help if I could find a way.

A few nights later, I was listening, as usual, to Rev. Shuler's radio program. I heard him urging all of his followers to put Fitts for Governor stickers on their windshields. This gave me an idea. Roy Allen acted as the front man and we hired a dozen young women to go to work as a sticker brigade for Rolph. They stood at street corners where traffic was stopped, smiled prettily and frequently succeeded in persuading the car owner to let them paste a Rolph sticker on the lower right hand corner of his windshield. The sticker campaign had a surprising success. There was a rebellion in progress against Fitts, Rev. Shuler and the Times. Many voters wanted to register a protest against the combination, but sentiment had not crystallized as to whether the anti-Fitts vote should go to Rolph or Young. The appearance of the purple Rolph stickers all over the city made up a lot of minds. Many decided from the evidence of the stickers that Rolph was the man most likely to beat Fitts.

In February, 1930 District Attorney Fitts and Superior Judge Marshall McComb, a Young appointee to the bench, engaged in a serious wrangle. Judge McComb had refused Fitts' request to continue the trial of Getzoff and Jack Berman for bribing Asa Keyes and Buddy Davis. The Judge insisted that the two men he brought to trial immediately. Rev. Shuler was then cooperating with Fitts. He revealed his payment

of bribes to Jurors Frank Grider and John B. Groves for his acquittal in May, 1929. On March 29, 1930 Fitts obtained thirty-five new Julian indictments.

Fitts' controversy with Judge McComb flared up again April 11th, when the Judge revived the old May, 1927 embezzlement charge originally filed against Jack Berman. Judge McComb ordered Berman held on $250,000 bail. Rev. Shuler promptly assailed Judge McComb on his radio, agreeing with District Attorney Fitts that the Judge's act was an effort to silence Berman's further confessions.

On April 17, McComb's bail order was reversed. Judge Gavin Craig of the District Court of Appeal wrote a decision releasing Berman on $10,000 bail, instead of $250,000.

On April 29, contempt charges were filed by the L.A. Bar Association against Rev. Shuler for his attacks over the radio against Judge McComb.

On June 29, a significant incident occurred. Charles Crawford joined Rev. Briegleb's church and put a large diamond ring in the collection plate. It was later testified that Crawford was planning to buy a radio for Rev. Briegleb that would put him on a par with Rev. Shuler.

On July 14, 1930, in the courtroom of Superior Judge Frank C. Collier, Motley Flint stepped from the witness stand in a civil case. Frank Keaton, a ruined Julian investor was waiting for him. He took out a pistol and shot Flint dead. In Keaton's pocket was a copy of Shuler's book, "Julian Thieves." Flint, a brother of former U.S. Senator Frank P. Flint and a vice president of the First National Bank, had been indicted

in 1927 with the other businessmen who participated in the Julian pools but his case had been dismissed with all the others.

The hectic pace of events seemed to slow down after District Attorney Fitts had been defeated for governor in the state-wide primary on August 26, 1930. The last of the Julian indictments was dismissed by Superior Judge B. Rey Schauer on October 14.

On August 26, 1930, Fitts and Gov. Young, who had done all of their campaigning against each other, were both eliminated in the Republican primary. Mayor Rolph, who ran his own race while the other two ignored him, won the nomination with a total vote of 377,390 to 356,765 for Gov. Young, and 292,743 for District Attorney Fitts.

In Los Angeles County, our sticker girl campaign had concentrated in Rolph's favor the large anti-Fitts vote. The combination of mucilage and sex appeal did its work well. Fitts led with 181,626 votes but Rolph had 96,223 votes and Young only 59,569.

The 36,000 vote margin for Rolph over Young in Los Angeles, elected him because his state-wide margin was only 21,000 votes. In the November general election Rolph received 999,000 votes, Milton K. Young, the Democratic nominee, 333,000 votes. That year Upton Sinclair ran as a Socialist and received only 50,480 votes.

On October 1, the State Supreme Court unanimously affirmed Rev. Shuler's contempt conviction and Rev. Shuler was required to serve six days in the Los Angeles County jail. The contempt conviction was never carried to the United States Supreme Court. Ironically, when similar

contempt convictions were later obtained against Harry Bridges, San Francisco labor leader, and the Los Angeles Times, reversals were obtained February 8, 1941, by a five-to-four decision of the United States Supreme Court, written by Justice Black (314 US 252). The fact that Rev. Shuler stood convicted of contempt weighed heavily against him the following year when the Federal Radio Commission was considering revocation of his radio license.

The contempt proceedings against Rev. Shuler had not weakened his strength in Los Angeles in the August, 1930 primary. Despite a poor showing elsewhere, his candidate Buron Fitts had swept Los Angeles County for governor. Four Shuler candidates for the Superior Court qualified for run-offs at the general election. At the November general election all four of these candidates were elected over incumbent judges.

I was greatly concerned about a fifth race. Superior Judge Edward T. Bishop had been County Counsel before Mattoon. He had helped me when I was studying law. He was an outstanding judge and a Christian gentleman. I never could understand why Rev. Shuler ever could have anything against him, except the fact that he was an incumbent. To their dismay, the friends of Ed Bishop discovered that he had run second in the primary against lawyer Walter B. Thompson, Shuler's candidate. Roy Allen and I got out the sticker girls again during the fall campaign, with Bishop for Judge stickers. At this election Judge Bishop beat Thompson handily. We felt very good about Judge Bishop's victory since four other incumbent Superior Judges were beaten at the November 4, 1930

election.

Although a progressive, Governor Young ducked the issue of pardoning or commuting Tom Mooney during all of his term. His aides took the position that since Mooney and Warren Billings were both convicted for the 1916 Preparedness Day explosion, the Governor could not act on Mooney's case unless the Supreme Court acted first on Billings. Billings was an ex-convict and could not be pardoned without a consent of a majority of the State Supreme Court. In 1930 the State Supreme Court closed this door, by holding that Billings was not entitled to clemency. Justice William H. Langdon dissented (210 Cal. 669).

Governor Young's closing days in the governorship were darkened by the collapse of several building and loan associations. On December 19, 1930, Gilbert Beesmeyer, president of the Guaranty Building and Loan in Hollywood pleaded guilty to illegally taking over $8,000,000 from local investors.

CHAPTER NINE

THE ROLPH ADMINISTRATION 1931 - 1934

After serving eighteen years as Mayor of San Francisco, James Rolph was inaugurated as Governor of California on January 5, 1931. I attended the 1931 session of the legislature again as deputy county counsel. My principal task that year was to obtain a $400,000 appropriation for Los Angeles County flood control. Northern California projects had always received state assistance, but none had ever been given to Southern California. I received a great deal of help on this bill from Frank Merriam, who had been elected Lieutenant Governor. The $400,000 appropriation set a precedent for equal appropriations North and South on flood control.

The big issue before the 1931 legislature was reapportionment of legislative seats following the 1930 census. No reapportionment at all had taken place after the 1920 census, and Southern California felt that it had been badly used.

The South was dealt a set-back on the opening day of the 1931 session. Edgar C. Levey of San Francisco was re-elected speaker by a single vote over Walter Little, a Los Angeles Assemblyman. Two Los Angeles Assemblymen had broken ranks and had voted for Levey. One of these assemblymen, William Bonelli, was making a comeback as a legislator after losing out for mayor in 1929. Bonelli and several other legislators were hopeful that the reapportionment bills would

produce tailor-made congressional seats for them to run in.

During the session, however, the tide of battle changed and the forces of the South prevailed. Los Angeles County ended up with eight congressional districts, where it had only two before, and attained thirty seats in the Assembly, as against twenty-two assemblymen previously.

A bill that greatly affected California's subsequent politics was passed at the 1931 session. This was Senate Bill 300, Chapter 931, authored by Senator George Rochester of Los Angeles. At the 1930 election for County Assessor in Los Angeles, the opponents of Ed Hopkins, veteran incumbent, had put several other candidates named Hopkins on the ballot, in an unsuccessful attempt to confuse the electorate. Senator Rochester's bill permitted a candidate to list his occupation and his incumbency under his name on the ballot. This factor added greatly to the strength of incumbents and vastly increased the percentage in favor of their re-election. Beginning with the 1932 election, when this provision first went into effect, less than two percent of the incumbent superior judges in Los Angeles County have been defeated for re-election.

The 1931 session had just adjourned when Deputy District Attorney David Clark, a candidate for municipal judge, shot and killed both Charles Crawford, the underworld leader, and Herb Spencer, City Editor of the Express. At his trial he claimed self defense because the two men were trying to "intimidate" him in relation to his candidacy by refusing their support. Amazingly enough, this plea prevailed, and Clark was acquitted for killing two unarmed men in self defense.

From my personal standpoint, the most important thing that the 1931 legislature accomplished was the passage of a bill creating several new superior and municipal court judgeships in Los Angeles County. I started a campaign for one of the latter posts. Governor Rolph was certainly favorably disposed to me.

During the August, 1930, primary campaign, Carl Moritz kept me informed whenever the Mayor was coming to Los Angeles and what route he would take into the city. I then arranged to have my sticker girls pasting up the windshields of automobiles proceeding in the opposite direction to the Governor's route. Next to electing your candidate, the most important thing is to make sure he is aware that you elected him.

Mayor Rolph must have certainly gained the impression that the sticker campaign was much more expensive than it really was. I did not spend more than $2,500 in the campaign, but it looked like I had spent ten times that much. My claim to favorable consideration was also aided by the fact that very few lawyers in Los Angeles had come out in favor of Governor Rolph. District Attorney Fitts had looked like a sure thing to most of the politically ambitious lawyers in Los Angeles, and the rest of them were still hoping for favors from Governor Young.

On August 20, Governor Rolph appointed me municipal judge. On that day I was still 29 years of age. I had to persuade the Governor to post-date my commission to September 13, to meet the State Constitution's requirement of five years practice of law as a condition for eligibility to the bench. Roy Allen helped me wait out that period by accompanying

me on a trip to our property in Arizona, with an extended visit to Nogales, Mexico.

The Los Angeles Record was highly complimentary about my appointment, saying "Kenny is a sound people's man." I suppose that was the doing of my friend Reuben Borough, the political editor. Earlier that year I had been attorney for the Superior Court when the editors of the Record were on trial for contempt. The Record editors were represented by William G. McAdoo. They prevailed in a decision rendered Feb. 25, 1931 (211 Cal. 19).

I think the most gracious appointment made by Rolph was his selection of Francis J. Heney for the Los Angeles Superior Court. Heney was then 72 years of age and he had long been passed over until Rolph gave him this belated recognition. Heney was the famous prosecutor of the San Francisco graft trials. During the Abe Ruef case he was the victim of an attempted assasination. When Heney went to the hospital, Hiram Johnson, his assistant, took over the prosecution and two years later was elected Governor of California. Others appointed to the Superior Court on August 20, 1931 were Thomas P. White, later Justice of the State Supreme Court, Clement Shinn and Minor Moore, later appellate judges, and Isaac Pacht, long my devoted friend and ally in progressive causes.

During 1931 free speech was being strangled in Washington, D. C. Rev. Shuler had applied for renewal of his radio station license. He had made many enemies since 1928 and they swooped in for the kill. Ninety witnesses were examined in the Federal Radio Commission hearings. The

hearing examiner recommended renewal, but the commission then sat enbanc, reversed the examiner, and denied Rev. Shuler a renewal, denying a stay pending court review.

Rev. Shuler appealed to the courts and announced that he would be a candidate for United States Senator on the Prohibition ticket. His platform would be the right of free speech. Soon after his defeat for senator in November, 1932, the Court of Appeals of the District of Columbia upheld the action of the Commission, permanently silencing Rev. Shuler's radio. The decision, Trinity Methodist Church South v Federal Radio Commission, (62 Fed. 2d 850), was denied review by the United States Supreme Court. It was frequently criticised by legal scholars in later years. Although Rev. Shuler attacked me on his radio because I was a "wet," I had counter-attacked him as a "dry" and a bigot. It was a healthy thing to preserve independent radio comment. The Shuler decision choked off further adventures in free political comment by radio. Licenses were too precious to risk forfeiture at a time when civil libertarians were silent. A project for some historian would be to examine the archives in Washington and review the testimony given for and against Rev. Shuler in his protracted hearings before the FRC.

CHAPTER TEN

THE SMALL CLAIMS COURT

Shortly after I took office as Municipal Judge, there was an election for a new presiding judge. I voted for Judge Clarence Kincaid, who, however, finished second. As punishment, I was sent to the Small Claims Court. In this court no attorneys are permitted to appear for either side. Controversy is served up raw without any previous legal screening. In those days the jurisdiction was limited to $50, but later it was increased to $200.

The small claims court had been generally disregarded by the press, largely because the amount of money involved was so small. However, I found it to be a gold mine for human interest stories. I was then only four years removed from the press room and had kept close contact with the reporters on the beat, many of whom had worked with me.

In fact, it was some years before I could realize that I was no longer a reporter. Once, on the Superior Court, I was conducting a murder trial. About three o'clock, I saw the afternoon paper reporters leave for the day. A few minutes later the District Attorney switched the order of witnesses and called the widow of the deceased to take the stand. This was the highlight of the trial. My loyalties were with the afternoon papers, as against the morning papers, since I had been working on the afternoon side for several years before I left the profession. The surprise switch in witnesses was more than my afternoon-newspaper blood could bear. As

soon as the lady had given about ten minutes of her testimony, I called an adjournment, left the bench, and telephoned my old city editor, James Richardson, at the Herald. I dictated a new lead on the developments of the widow's testimony in time to catch the final street edition. I then resumed the bench and the trial proceeded.

The Small Claims Court provided great opportunities for publicity for a judge who could recognize it. The papers carried pictures of me eating a sandwich on the bench. I had adopted the practice of hearing cases during the lunch hour, so that employed people would not have to take time off to appear in Small Claims Court.

One defendant to appear before me in the Small Claims Court was Captain William F. "Red" Hynes, of the Radical Squad of the Los Angeles Police force. Hynes had broken some radical's camera during one of his raids. The radical had the temerity to sue him for damages in Small Claims Court. I agreed with the plaintiff and assessed damages against Hynes in the amount of $35.

The Small Claims Court was a source of many law suits involving animals. There were cases involving cats, dogs, bears and alligators. There was also human drama including suits for the return of engagement rings, for waitresses who dyed their hair blond in order to get a job and were then discharged without cause. "She dyed but not in vain," said the caption.

With all this publicity, the filings of new cases rose 50% and some judges of the Superior Court became fearful of my becoming a contender

against one of them.

In January, 1932, a new presiding judge was elected. I voted for Clarence Kincaid again. This time he won. He said, "Bob, you have been punished long enough in Small Claims Court. Where would you like to sit?" I informed him the only patronage I wanted was to be allowed to remain where I was. I stayed in the Small Claims Division until the following December, when Governor Rolph promoted me to the Superior Court.

Every day in the Small Claims Court, there were fashion shows. These were the cases where women's wearing apparel had been returned from the cleaner, either stretched or shrunk. I informed the ladies that it was impossible to test the veracity of their claims unless they put on the garment. My chambers became their dressing room, all morning long we would have a procession of giggling ladies wearing their out-of-shape garments. Since there was so much of this litigation, I made a standing arrangement with the dry cleaners. I would continue the case for two weeks, and direct them to take the complainant on a shopping tour of the wholesale houses, where the dry cleaner could obtain a discount. If the complainant wasn't satisfied, she could then return to court and obtain a money judgment. This arrangement was successful. Only about five percent of the cases ever came back for further adjudication.

In January, 1932, I published a notice in the clerk's office, which read: "To Litigants in the Small Claims Court: With the holidays over, I face the prospect of hearing about 20,000 small claims cases during the

year 1932. I hope that the litigants in this court will help me get through the year observing the following suggestions: 1st: To forget all they have read about courtrooms being arenas and lawsuits battles in which everything is fair and no holds barred. 2nd: To regard the small claims court as a place where two persons who may honestly disagree can submit their differences to a disinterested third person, remembering that in most lawsuits neither side is wholly right or wholly wrong. 3rd: To present only honest claims and defenses, without quibbling. 4th: To remember that this court can only give judgment up to fifty dollars and that while fifty dollars is a lot more money than it used to be, it is not yet a matter of life and death. 5th: To present cases truthfully, but briefly, and to furnish the court light, not heat. 6th: To treat your opponent not as an enemy, or a liar, but as another human being with whom you have a sincere disagreement over a question of law or fact. 7th: To stifle hatred and ill will, but if you must give vent to it, to aim it at the judge instead of your opponent. The judge is paid for that sort of thing and if there must be ill will, it is better that it be focused on him than diffused throughout the community. 8th: To indicate your willingness to accept these principles by offering to SHAKE YOUR OPPONENT'S HAND when you are called before the judge to present your case. I am not trying to be the Pollyanna judge and I don't expect Clerk John Dugan and Bailiff Max Richman to be the Happiness Boys, but I am appalled at the prospect of hearing 20,000 petty, bickering lawsuits and neighborhood quarrels this year, with each side using every sort of unfair means to take advantage of the

other. It is not unreasonable to ask litigants to adopt the attitude of sportsmanship towards each other. If they do, cases can be expedited and crowded calendars cleared. Expression of personal animosity takes up much of the time of this court that should be devoted to arriving at the truth. Robert W. Kenny - Judge of the Small Claims Court."

I only exercised my contempt power once. A woman litigant against whom I had ruled, looked at me and said: "A fine judge you are." The old vaudevile gag was too tempting. "Yes," I agreed, "The fine is $5.00."

CHAPTER ELEVEN

REPEALING PROHIBITION

Early in 1932, I became actively engaged in the campaign to get Tallant Tubbs the Republican nomination for the United States Senate upon a "Wet" platform. I was able to clean up the calendar in the Small Claims Court early every afternoon and devote the rest of the day to Tubbs and the cause of repealing Prohibition. A national organization of young men favoring repeal had been organized, as "The Crusaders." I became its Southern California commander, and went about the Southern counties entering into wet-dry debates, mostly with Protestant clergymen. Our headquarters at the Biltmore Hotel were donated, since the hotel men were understandably interested in our efforts to repeal Prohibition. Adjoining headquarters were assigned to the Women's Organization for National Prohibition Reform, a group headed by Mrs. Charles Sabin of New York.

The campaign was exciting and enjoyable. No one thought that prohibition would really be repealed, so it seemed like we had an issue that should last us a lifetime. However, by November of 1932 California voted to repeal the state prohibition law "The Wright Act" by a vote of 1,459,835 to 658,351. The wet vote state-wide was 69%. Los Angeles, although believed to be "chemically pure" and "bone dry", turned out to be 66% wet.

During the spring of 1932, word came that Mayor James Walker of New York had organized a beer parade. Our people organized a similar

parade in Los Angeles directed by John Grey, an able local publicist; out of respect to the local mores, we called it a "Prosperity Parade." A lot of the early support for the parade evaporated as community pressures mounted. However, we had a respectable turn-out. I led the parade in a white Packard furnished by Frank Sebastian of the Cotton Club Cafe. The only musicians we had for the parade were also furnished by Frank Sebastian. However, we could not have had a better group. Louis Armstrong was then entertaining at the Cotton Club. Louis and his band mounted a flatbed truck and tootled away magnificently as we paraded through downtown Los Angeles. At that time as municipal judge, I was the only elective public officer in Southern California who was an avowed "wet."

My position as leader of the "wet" movement brought me into sudden political prominence. I was only 30, and many candidates for Congress and the State Legislature came seeking my support. The "Crusaders" sent questionnaires to all of the candidates and we awarded or withheld our endorsements according to their replies. The Republican candidates were reluctant to come out for repeal of Prohibition but the Democratic candidates were for it to a man. Unfortunately, no one expected the Democratic candidates to win although in the final 1932 election returns California handed the Democrats 11 out of 20 Congressional seats.

My next door neighbor on North Serrano was Charles Kramer. He decided as a "wet" Democrat, in the newly created 13th Congressional District. Kramer was truly an unknown. I furnished him with the services

of Duncan Aikman, a newspaper man of national reputation, then correspondent for the Baltimore Sun. Aikman saw an opportunity for Kramer, when the Bonus Army returned from Washington. Aikman had candidate Kramer photographed with the Bonus Army at the railroad station and induced him to provide the money to feed and house them temporarily. Kramer's humanitarian activity earned him the Democratic nomination. He was elected in November, and served in Congress until he was beaten in 1942 by Republican Norris Poulson, later Mayor of Los Angeles.

In the fall of 1932, Kent Parrott qualified a petition to recall Mayor John C. Porter. The Mayor had offended liberal sentiment in Los Angeles on several occasions. The most notable incident was when he went to France with a delegation of United States Mayors. When the French hosts poured out the wine, Mayor Porter ostentatiously turned down his glass. I first met Kent Parrott during this campaign. Like most recalls in major cities, this effort failed. However, it paved the way for Porter's defeat for re-election the following year.

The wet-dry issue cost Tubbs the support of the Los Angeles Times. Normally, a Republican nominee expects the support of the Los Angeles Times as a matter of course. However, Tubbs' victory over Shortridge coupled with his wetness was too much for them. They refused to mark a ballot for him in November.

Another surprise in newspaper endorsements occurred that year at the Los Angeles Record. Throughout the Fall campaign it had supported

the Democratic nominee, William Gibbs MacAdoo. However, a few days before the elections the publishers ordered a reversal of policy. Between editions one day, the Record switched its support from MacAdoo to Rev. Shuler, the Prohibition candidate. This was too much for the principled staff of the Record. H. B. R. Briggs, the editor, and Reuben Borough, the political editor, immediately resigned in protest.

After MacAdoo was elected, he rewarded Briggs with the postmastership of Los Angeles. Upon his death, his widow, Mrs. Briggs was appointed to fill the vacancy. Rube Borough became an unsuccessful reform candidate for the City Council in 1933 in the Thirteenth District. He also joined forces with the Los Angeles Municipal League. This organization, headed by Anthony Pratt, was practically a one-man lobby for reform and civic honesty. For years Pratt used to come before the Board of Supervisors and terrify them with his discoveries of their bad financial practices. The Municipal League received support from many wealthy men in Los Angeles who were not interested particularly in reform for its own sake but wanted honest government because they believed it kept down taxes. My father's friend, George W. Walker, was one of these. He always supported Anthony Pratt and Reuben Borough. In 1938, when a reform administration was elected after the Shaw recall, Mayor Fletcher Bowron appointed Reuben Borough to the Board of Public Works. Rube became the perennial leader of the progressives in Southern California. He and his wife Madeline were most active in the Wallace campaign in 1948.

Rev. Shuler received more votes than any Prohibitionist ever did in

the history of California. I attribute this largely to the popular feeling that he had been given a raw deal in his free speech fight for renewal of his radio license. The state-wide vote for United States Senator was: MacAdoo, Democrat, 943,164; Tallant Tubbs, Republican, 669,676; and Shuler, Prohibition, 560,088. In Los Angeles County, Shuler received 310,200 votes to 218,880 cast for the Republican candidate, Tubbs. He also ran ahead of the Republican candidate in 15 other counties. At the same time, however, Prohibition itself was being beaten by a two-to-one vote on the Wright Act repeal initiative.

Despite the November, 1932 vote repealing the State liquor enforcement act, the task remained in Los Angeles to repeal the local option dry law, the Gandier ordinance. The City Council was first visited by a dry delegation and voted against repeal. Then a wet delegation appeared and the Councilmen, with the exception of Charles Randall, reversed themselves and voted to repeal the ordinance. The Wets' dissatisfaction with these sorry proceedings was expressed in the magazine Midweek, then being published by Roy Allen and me:

"By these fluttery, facing-both-ways yessings, the sitting councilmen, according to Midweek's view, forfeit, with one honorable exception, the confidence of all decent men. There is something about fickleness in yessing more disgusting than incompetence, more vicious than deliberate mis-government, more dangerous than open demagoguery and avowed anarchical principles, more revolting than issue evasion, more corrupting than official corruption in the ordinary sense of the term. There is a soft,

mildewy rottenness about it -- phosphorescent at night -- like a man decaying on his feet.

"The honorable exception, to be sure, does not entirely please us. But Councilman Charles Randall has shown himself throughout these sorry proceedings to be a dry of honor and of courage. If it were not for our feeling that there should be no more prohibitionists in our governing bodies for awhile, whether honest or courageous or dishonest and craven, we should favor preserving his virtues at the council board as a museum piece.

"As it is, Midweek salutes Councilman Randall with its sharpest sword-blade. It salutes the other councilmen with its collection of implements for overcoming stoppages in the plumbing."

The big dividend that came to me personally out of the Tubbs and the Repeal campaign, was the friendship of Stewart McKee. I had been acquainted with Stewart's father, Henry S. McKee, vice president of the Merchant's National Bank, when I was a financial reporter. Mr. McKee was the one banker who was always available with an original thought and some genuinely independent ideas when I had to collect a symposium of views on some current event. Stewart had gone into banking himself. When I first met him, he was thirty-three years old and had already retired as a vice president of the Bank of America. Stewart was always a bachelor. He lived at the California Club. In all of my campaigns, Stewart was my liaison to the conservative forces of the community. He was entirely objective about the ideological struggle and enjoyed close

association with my friends in labor and the left wing. From the Repeal campaign in 1932 until his death in 1950, Stewart McKee was probably my closest companion.

CHAPTER TWELVE

THE DEMOCRATIC PARTY REAPPEARS

For all practical purposes, in the year 1930 there was no Democratic Party in California. The 1931 legislature only had four Democrats out of 40 senators and three Democrats out of 80 assemblymen. One Democrat out of eleven congressmen was elected that year - the veteran Clarence F. Lea of Sonoma, a hold-over from Woodrow Wilson's time. Democrats did not even bother to enter candidates in 49 out of 80 assembly races in 1930, and in the general election that year there were only 12 Assembly seats contested by Democrats, the rest having fallen into the hands of cross-filing Republican candidates at the primary.

The 1932 Roosevelt landslide following the 1931 reapportionment, brought a dramatic change. Eleven out of 20 congressmen elected in 1932 were Democrats. The Democrats in the Assembly increased from 3 to 24. In 1934 two more Democrats were elected to Congress increasing the delegation to 13 out of 20. Two more Democrats were added to the State Senate in 1934 making six out of forty. One of the new State Senators was Gulbert L. Olson of Los Angeles who became Governor of the state four years later. The Democrats almost attained a majority in the Assembly in 1935 with 37 out of 80 members. In 1936, the Democrats elected 16 out of 20 congressmen and five more state senators. In the Assembly the Democrats finally reached a majority of 44 and elected the speaker, William Moseley Jones.

The usual futile efforts had been made in the 1929 legislature to repeal the cross-filing provisions of the Direct Primary Law. In 1913

the Hiram Johnson progressives had devised the cross-filing device as a way of defeating the stand-patters in their own Republican Party. The Hiram Johnson Republicans registered as "Progressive" but cross-filed into the Republican primary. They won most of the seats in the primary election in 1913 and 1915 from the stand-pat Republicans. But wherever the Progressive lost in the primary, he was still able to run again in November as a Progressive against the stand-pat Republican. This device assured Governor Johnson of Progressive majorities in the legislature. It served an excellent purpose, since more progressive and humanitarian legislation was enacted during the Johnson administration than in any state administration before or since. We owe the initiative referendum and recall to this period, Workmen's Compensation, women's suffrage, the direct primary, and non-partisan election of local and judicial officers.

When the bill came up to abolish cross filing during the 1931 session, someone in the debate said that the bill was "unfair to the Progressives." The debate then switched as to the proper definition of "Progressive," the Johnson Progressives having long since disappeared. Henry McGuinness of Siskiyou County, one of the three Democrats in the Assembly, asked permission of the speaker to supply his own definition. He said: "A progressive is a man who is afraid to be a Democrat and ashamed to be a Republican."

I certainly belonged to that category, since I had always registered "decline to state" (independent) from the time of my first vote. I did not register as an affiliate of any political party until 1937, when I had to

before I could run for state senator. I then signed up as a Democrat.

Despite my non-partisan status, I had entered Republican politics in 1930 for James Rolph and again in 1932 for Tallant Tubbs.

My friend, Carl Moritz, was Tubbs' campaign manager in 1932. Tubbs had been state senator from San Francisco for eight years, one of the youngest men ever elected to that office. He came from a well-to-do family of San Francisco cordage manufacturers. In 1930 he ran for Lieutenant Governor on the Wet ticket. He was the first candidate ever to make a state-wide race upon an outright stand for repeal of Prohibition. To everyone's surprise he ran ahead of H. L. Carnahan, the incumbent, and only 17,000 votes behind Senator Frank Merriam, of Long Beach, who received the Republican nomination that year.

Rev. Shuler had announced that he would run upon the Prohibition ticket for United States Senator, but would cross-file as a Republican. Tubbs ran as a Republican, but failed to cross-file as a Democrat. The incumbent was Samuel Shortridge of San Francisco, who had served two terms as United States Senator. Tubbs won the Republican nomination. He would have certainly been elected United States Senator if he had only cross-filed as a Democrat. The Democrats were "wringing wet" by then and would have nominated him over William Gibbs MacAdoo, a dry Democrat. It is interesting to see how little value was attached to the Democratic nomination as late as 1932. Tubbs made the fatal blunder of not cross-filing for the Democratic nomination because, in the November election, MacAdoo was swept into office, as part of the

Roosevelt landslide.

Tubbs' failure to cross-file in 1932 can be understood. Although cross-filing had become the practice for district offices, and even minor statewide posts, no candidate had ever cross-filed for governor, lieutenant governor, or United States senator. Hiram Johnson broke this tradition for the first time in 1934, when he cross-filed and won the Democratic nomination for United States senator. There was a good practical reason for Johnson's cross-filing in 1934. He had broken ranks with the Republicans to support FDR in 1932.

Earl Warren really deserves the credit for discovering that this tradition could be advantageously broken. When he, Warren, sought the governorship in 1942, he cross-filed into the Democratic primary and got 404,000 votes to Governor Olson's 514,000 votes. His total gross vote in the primary made him an obvious cinch for election in November. Warren's discovery paid off for him again in 1946, when he again cross-filed for governor in the Democratic Party, and beat me for the Democratic nomination by 593,000 to 530,000 votes. William Knowland cross-filed for United States senator in 1952 and won both nominations. In 1950 Goodwin Knight, the incumbent Lieutenant Governor, cross-filed and obtained the Democratic nomination, beating his nearest Democratic opponent, State Senator George Miller, Jr., by 170,000 votes.

After the 1950 election John B. Elliott, a Democratic political leader in Los Angeles, who had been Woodrow Wilson's campaign manager in 1912 and 1916, decided that since no one else would do anything about

cross-filing he would undertake the job. In 1946, after I was eliminated at the primary, I had worked with Langdon Post and his wife, "Miggs," to get an anti-cross-filing initiative petition circulated. We could not get any help on this, even from the Democratic State Central Committee.

In 1950, John B. Elliott decided to do the job himself. He donated $35,000 of his own money to qualify an initiative petition to abolish cross-filing. The 1951 legislature refused to adopt his initiative and instead put an alternative measure on the ballot, which provided that the ballot should list the party affiliation of each candidate, although the candidate could still cross-file. Elliott's measure for outright repeal was assigned the jinx number "13" on the November, 1952 ballot but only lost by 3,700 votes. The alternative measure, Proposition No. 7, carried 3 to 1. At the 1954 primary, the first conducted under Proposition 7, only one Republican cross-filer obtained the Democratic nomination, Assemblyman Thomas Maloney of San Francisco. Even Assemblyman Maloney lost the Democratic nomination in August 1956 and was defeated in November by Philip Burton, the Democratic nominee.

The 1959 legislature voted for an outright repeal of cross-filing and Governor Brown signed the measure. All elections since then have been free of the cross-filing evil. Recent Democratic majorities in both houses of the legislature are directly attributable to John B. Elliott's foresight and generosity in ridding California of cross-filing.

FAILURES AND RECEIVERSHIPS

On January 15, 1931, the Richfield Oil Company went into the hands of a receiver. The following year, on May 16th, Clarence Fuller and James Talbott, who headed Richfield were sentenced to the penitentiary by Judge Yankwich for diverting company money to their private purposes.

In May of 1932, the California Reserve Company went bankrupt with a $7,000,000 loss to investors. The President of this company was George Gregory, husband of Berthal Fitts Gregory, sister and secretary of Buron Fitts.

Real estate trusts created by the Harold G. Ferguson Corporation collapsed in 1931. Ferguson was sent to San Quentin. Roy Allen and W. W. Mines were appointed receivers for the Ferguson Trust.

In April of 1931, the American Mortgage Company went into receivership. Its promoters, Frank H. and Roy H. Fish, were indicted. As an outgrowth of the American Mortgage Company collapse, the Superior Court appointed various persons as receivers. On April 21, 1932, the Los Angeles Bar Association reported that investigation by its judiciary committee revealed that three Superior judges had accepted petty gifts and loans from the receivers appointed by them. The committee reported that Superior Judges John S. Fleming, Walter Guerin and Daily Stafford had "conducted themselves in a manner contrary to judicial ethics and prejudicial to the proper administration of justice."

This report brought Raymond Haight into action. Haight had been a fellow student of mine at University High School. He became the head

of a group of young Los Angeles leaders organized to clean up the various messes then developing. In the August primary election, Haight had supported Thatcher Kemp as candidate for district attorney against Buron Fitts. Fitts was re-elected but enmities growing out of that campaign were to have repercussions the following year.

In September, of 1932 the group around Haight organized themselves as the Minute Men. The Minuteers, as they were called, made Haight their first chairman. Other active members of the Minuteers included Kemp and Carl Kegley.

In November 1932, Haight took charge of the recall election against Judges Fleming, Guerin and Stafford. The Hardy impeachment trial in Sacramento in 1929 had convinced Haight that the only way to insure the removal of a judge was to employ the recall procedures of the State Constitution. Under his leadership, recall petitions were circulated and qualified. When the people voted in November, all three judges were recalled. I believe this to be an almost unique episode in the history of American politics.

On December 2, 1932 Superior Judge Clair Tappan was stricken with a heart attack and died during the noon recess. That night I was already in Sacramento with Carl Moritz and Tallant Tubbs. Governor Rolph received me cordially and we explained the purpose of my visit. He said nothing but left me sitting in his office while he went on signing documents. In a playful mood, he referred to one of his secretaries as "Miss Baloney." Then he turned to me and asked: "Judge, what is the

female for baloney?" I replied: "Abalone."

It must have been the right answer because the Governor immediately reached for the commission appointing me to the Superior Court and signed it then and there. Anthony "Bud" Kennedy, then special counsel for the Governor, sent me an abalone shell as a souvenir of the occasion. I kept it as an ash tray in my chambers for many years.

I took office the same day as the three new Superior Court judges who had been elected to fill the recall vacancies.

Fitts did not forgive Ray Haight for having opposed him in 1932. In May 1933 Haight, Kemp and Edward Otto were indicted for bribing a grand juror. The charges were flimsy, and the defendants gained acquittal in July, 1933.

In July, 1933 the Minute Men attempted to bring about a legislative investigation of crime in Los Angeles. This was opposed by the Los Angeles Times and by Buron Fitts, who said that Los Angeles was a "white spot" in the war against crime. The Legislature agreed and rejected the proposal of the Minute Men.

In May 1933 the Minute Men scored an important election victory. They opposed Erwin "Pete" Werner for re-election as city attorney. In his place, Judge Ray Chesebro was elected. These successes convinced Haight that he should be a candidate for governor in 1934. Fearful of the older parties, he formed his own party, named as the Commonwealth Party.

The receivership scandal of 1933 practically wiped out all of Roy

Allen's competition. Roy came through the investigation as the one receiver against whom no accusation of improper conduct could be laid. From then on, most judges appointed Roy receiver, frequently upon the request of both sides. His established honesty and efficiency had practically created a monopoly for him. Perhaps honesty was a scarce commodity in Los Angeles those days.

A SUPERIOR JUDGE

Shortly after my appointment to the Superior Court, I was invited by Superior Judge Walter Desmond to take over his court in Long Beach to conduct the murder trial of William James "Curly" Guy. This was scheduled to be a sensational trial and Judge Desmond generously wanted to help me as a new judge to receive the publicity attached to such a proceeding.

Curly Guy, a young British soldier of fortune, was accused of killing Captain Walter Wanderwell on the latter's yacht "Carma" in Long Beach Harbor. Wanderwell had collected a crew of lady and gentlemen "adventurers" for a "Cruise to Nowhere." On the eve of sailing, someone came aboard and shot him. The Los Angeles Times reporter worked up a theory that Curly Guy was the guilty man and the District Attorney adopted it. However, there were many other persons with strong motives for killing Wanderwell. I thought the case against Guy was a flimsy one. My attitude must have been apparent to District Attorney Fitts. While I was delivering my final instructions to the jury, someone outside the courtroom asked Fitts what the present status of the case was. Fitts replied, "Judge Kenny is closing for the defense." The jury was out only an hour before it returned a verdict of acquittal.

Later in the summer of 1933, when we were living at the Malibu Beach Colony, Guy came there to ask for my help in preventing his deportation to England. I agreed to give him a letter and then invited him for a swim. While we were splashing about in the surf, who bobbed

up in an adjoining wave but Buron Fitts. It was all very cordial. I don't think Fitts believed Guy was guilty either.

While I was sitting in Long Beach in early 1933, Dave Fall, a San Pedro attorney, came to me for an injunction. He was attorney for the International Longshoremen's Association. A waterfront strike was on, and the City of Los Angeles was permitting its facilities to be used by the steamship companies to house strike-breakers. Fall argued these were public facilities and could only be properly used for loading and unloading cargo, not as a hotel and dining room. I agreed and gave him a writ compelling the city to evict the strikebreakers. It was one of the first instances where the injunctive process was used in favor of a labor union instead of against it.

I also gave an injunction against police interference with the water taxis that took customers out to the gambling ships that lay three miles off the Long Beach coast. I treated the water taxi activities no differently than those of the Southern Pacific. If it was lawful for the latter to haul passengers by land to Nevada where gambling was legal, I held it equally permissible to haul passengers by sea beyond the three mile limit where gambling was also legal.

I left Long Beach just before the earthquake on March 10, 1933. My new courtroom in Los Angeles was located in the red sandstone courthouse at Temple and Broadway. I was in this old building when the earthquake occurred. The building did not collapse, but it was severely cracked in a sort of vise by the swaying of the eleven story steel frame

Hall of Records to which it was attached. When the quake was at last over, I ran out, leaving my hat behind. I never returned for it. The courthouse was condemned as unsafe the next day and ultimately removed.

For the balance of the year 1933, I became a migratory judge, using temporary quarters. At first, I held court in Judge Fricke's jury room. Later the county rented temporary space at Broadway near Second. The bailiff was missing a good deal of the time and, while looking for him, I found that on the same floor of the building, a bookmaking establishment was operating full blast.

The 1933 legislature set up a Liquor Control Board and also passed a Sales Tax law. The new taxing and liquor control functions were assigned by the legislature to the Board of Equalization.

In 1929, Governor Young almost caused the Board of Equalization to be abolished. It was a vistigial political remnant with no discernible public function to perform. Fred Stewart, a new member of the Board from Oakland, had campaigned hard to be elected in 1926. He did not want to see his new job abolished. Stewart was a genius at working with the legislature. As new functions of government were created, he persuaded the legislature to assign them to his Board of Equalization. The additional employees were, of course, appointed on a temporary list, without prior civil service examination. Of course, they had to qualify by examination later. The arrangement worked out well. Unemployed friends of the legislators were given temporary jobs with the Board either collecting taxes or policing the bars.

Elwood Squires, one of my Sacramento newspaper friends, became Stewart's secretary. Between Elwood and I, at least twenty unemployed newspaper men were put to work for the Board of Equalization. Elwood died in 1933. Stewart and I remained close political friends for many years until his death on April 17, 1942.

While I was holding court at Long Beach, I had an unusual visitor. He was Albert Marco, the "vice baron" who had been released from San Quentin, to be deported to his native Italy. Someone had told Marco that he should meet me because by the time he was eligible for pardon, perhaps in another five years, I might be of sufficient political importance to help him. Marco had just completed reading Lincoln Steffens' autobiography, and said it was the most popular book in San Quentin. Apparently, most convicts agreed with Steffens that they were mere victims of the system, not deliberate sinners.

An interview with Marco was published in the magazine Mid-Week. This was a magazine that Roy Allen and I started publishing in 1933. Roy had a printer who was considerably in his debt. He decided he would never collect in cash and that we could have some amusement at least if he took it out in printing by publishing a magazine. Throughout the year of 1933, this magazine was issued under the editorship of Duncan Aikman. In it we chronicled the doings of the liberals in Los Angeles.

In March, 1933, I helped form a new organization, The Liberal League. Its principal purpose was to defeat John C. Porter for Mayor. There were many candidates against Porter, but we did not endorse any one

of them. We endorsed them all. We put out windshield stickers with the slogan "Anybody But Porter." Supervisor Frank Shaw qualified as the leading candidate in the run-off against Porter. At that moment the Times discovered that Shaw had been born in Canada and expressed doubt about the validity of his citizenship. Mid-Week published the following by Duncan Aikman:

"IN PRAISE OF ALIEN MAYORS

How we'd welcome a mangy Hottentot
Or a burper from Senegal!
Not what a man is but what he's not --
Is the issue that's all-in-all.

Let our next mayor's speech come in upchucked sneezes
Through tangled Siberian hair.
If it isn't Porter, he's bound to please us
Though he smell like an Igorot fair.

Send us slum fruit, then, from some Haitian town,
Or the Levant's worst mixed seed;
Neither one will remind us, when playing clown,
Of the special curse on our breed.

Go fetch up a corpse from the Ganges River,
Or Serbia's sorriest punk.
He'll be swell for mayor if he'll only deliver

Clown Porter back to his junk.

-- Arthur Pandaemon."

At the June municipal general election, Shaw defeated Porter. I tried very hard to get Governor Rolph to appoint James Bolger as Shaw's successor on the Board of Supervisors. Bolger had served as a newspaper man with me and later had been Shaw's field secretary on the Board of Supervisors. Governor Rolph, however, appointed Gordon McDonough to the vacancy. Gordon McDonough went to Congress in 1944 and remained there until losing his seat to a Democrat in 1962, after reapportionment. Bolger was later appointed a member of the Board of Public Works by Mayor Shaw.

One of my personal gimmicks in politicing then was to mail out topical Christmas cards. In 1931 I sent out a Christmas card printed in Russian with five coupons on the bottom. It was an adaptation of the Soviet Five Year Plan. Each coupon carried my best wishes for each one of the next five years. The following year was the one in which the Technocracy doctrine was sweeping the country. Manchester Boddy, of the Daily News, gave lectures on Technocracy throughout Los Angeles County. My card that year portrayed an automated Santa Claus, labeled Technocracy, which bore the caption "God Rest you merry gentlemen, may nothing you dismay." In 1933 the live topic was inflation and our Christmas greetings were printed on tiny balloons.

I knew that I was coming up for re-election in 1934 and arranged

to hold court in the branch courts to become better known in the outlying areas. I sat quite frequently in Long Beach and also at Pomona. In Long Beach, I saw the beginnings of the Townsend movement. Just below the Jergens Trust Building where the Superior Court was held was the famous Long Beach Spit and Argue Club. This was a public forum on the Long Beach pier where a Hyde Park outlet was provided for anyone with an idea to espouse. Dr. Francis Townsend, a deputy health officer for the city of Long Beach, used the Spit and Argue Club to try out his ideas on old age security to be financed by "funny money." In twelve months, the Townsend Plan had millions of adherents throughout the nation.

THE 1934 GUBERNATORIAL CAMPAIGN

On September 1, 1933 Upton Sinclair went to the Beverly Hills City Hall and changed his registration from Socialist to Democratic. In the following month he published his book "I, Governor of California, and How I Ended Poverty."

Early in 1934, Raymond Haight announced that he would run for governor on the tickets of the Commonwealth Party (his own party) and the Progressive Party. On June 2, 1934, Governor Rolph died and Lieutenant Governor Frank Merriam took his place. Shortly after that, the general strike occurred in San Francisco. Merriam called out the State Militia.

I suppose I was still ashamed to be a Republican and afraid to be a Democrat. I supported Ray Haight that year. My friend Carl Moritz was Haight's press agent. Manchester Boddy at the Daily News was very friendly to the Haight campaign.

It seemed certain that Sinclair would get the Democratic nomination because eight other candidates had filed and the right wing Democratic vote was bound to be split irretrievably. George Creel, who was close to FDR and handled many of his patronage matters in Northern California, put up a respectable campaign. However, his primary vote was 288,000 compared to Sinclair's 436,000. Sheridan Downey, a Sacramento attorney who had been defeated in the Democratic primary in 1932 in his race for Congress, was the candidate for Lieutenant Governor on the Sinclair ticket. There were nine other Democratic candidates for Lieutenant Governor,

and Sheridan obtained the nomination easily.

Rev. Shuler and Buron Fitts were not factors in the 1934 elections. A reform grand jury, impaneled by Judge Fletcher Bowron had reopened an investigation of the collapse of the California Reserve Company of which George Gregory, Fitts' brother-in-law, had been president. On July 7, Gregory and nine others were indicted just before the statute of limitations ran out. They were all acquitted later. In December, 1934, the Grand Jury returned an accusation against Fitts, seeking to remove him from office for misconduct. This matter dragged along in the courts until April, 1936, when the accusation was thrown out on the ground that only eleven grand jurors had voted for the accusation instead of the necessary twelve. (6 Cal. 2d 230). Fitts was also indicted for perjury growing out of an inquiry into a real estate transaction with Lucian Wheeler, his investigator and John P. Mills, wealthy real estate promoter who was a defendent in a statutory rape case. Fitts was also acquitted on this charge. I always felt that this business of indicting political enemies should be outlawed from political warfare. The indictments of Fitts came to nothing just as his indictments of Ray Haight had also fizzled out.

The false accusation made against Haight in 1933 did have a strange effect on his personality which affected the outcome of the 1934 election.

At the August, 1934 Republican primary Governor Merriam was nominated by a small plurality, consisting of no more than 30% of the Republican votes cast. The choice between Merriam, the Republican nominee, and Upton Sinclair, the Democratic nominee, was an unpalatable

one for many people. One such person was William Randolph Hearst. His representatives called Haight immediately after the primary election. They explained that the Hearst paper had always supported the Progressive Party when Hiram Johnson was its candidate. They would not be breaking with that tradition if they supported Haight as a Progressive. They balked however, at supporting him as the candidate of his own specially fabricated organization, the Commonwealth Party. All Haight had to do to get their support was to run as a Progressive, not as a Commonwealther. Carl Moritz told me that he was surprised to find that Haight was very cold about this proposition. Ever since he had been so shamefully treated by Fitts he saw enemies and pitfalls everywhere. He suspected a trap in the Hearst proposition and did not accept it; to the extreme disappointment of many of his close supporters. Hearst soon joined the Times and San Francisco Chronicle in supporting Merriam.

It is interesting to speculate what might have happened if Haight had obtained the Hearst support. He ran well wherever he did have newspaper backing. The McClatchey papers had endorsed him, and in the general election he carried Fresno and Stanislaus counties, and narrowly lost in Sacramento County.

Toward the close of the 1934 election campaign, Sinclair and Haight had a significant meeting in Sacramento. Haight was able to demonstrate to Sinclair that straw polls showed that if Haight should withdraw, his vote would go to Merriam, but that if Sinclair withdrew, Sinclair's vote would go to Haight. If Sinclair would withdraw, Merriam could be defeated. Sinclair was a reasonable man and said he

would consider the proposition. However, it was then too late. Sinclair had acquired many devoted supporters, several of whom were running for office on his ticket. He decided that his withdrawal would hurt the chances of others on the Democratic ticket, and he refused to withdraw in Haight's favor, although defeat seemed inevitable by then.

Although Sinclair had only been a Democrat for a year, he did everything he could to be a good one. At the Democratic state convention in Sacramento on September 20, 1934, he tried hard to placate the other Democratic factions. The platform was adopted unanimously. The new state chairman was Culbert L. Olson, candidate for Los Angeles State Senator on Sinclair's Epic ticket.

Later, when the great panic was stirred up over Sinclair's candidacy, neither MacAdoo nor FDR gave him any help, and George Creel came out actively against him. An effort was even made to purge newly registered Democratic voters but was rejected by the Supreme Court on October 31st (Pierce v Superior Court, 1 Cal. 2d 759). Sinclair lost by 259,000 votes. Downey ran a closer race but was defeated for Lieutenant Governor by George Hatfield, former United States District Attorney.

Anticipating violent shifts in the State administration, a Civil Service initiative was placed on the November, 1934 ballot by the State Employees Association. It was adopted by the voters. When the Democrats finally came into power in 1939, the patronage cupboard was bare. At least 98% of the State jobs had been blanketed into the Civil Service.

The 1934 elections were the last in which appellate and supreme

court justices were required to run against other candidates. In November 1934, the voters adopted a series of constitutional amendments sponsored by Alameda County District Attorney Earl Warren. These measures were generally aimed at tightening up court procedures in the prosecution of crime. One amendment set up a new method of electing the justices of reviewing courts. Henceforth, they only had to run upon their records with the people voting "yes" or "no" on the issue of whether they should be retained for another term.

Unfortunately this amendment came too late for my friend Walter Desmond. Governor Rolph had elevated him in 1933 from the Superior Court to the District Court of Appeals. However, in the August, 1934 primary he was beaten by Superior Judge Charles S. Crail by a vote of 327,000 to 200,000. Judge Desmond was later restored to the trial bench by Governor Merriam and Governor Olson promoted him back to the appellate bench.

I faced my own campaign for re-election in 1934. In the August primary there were six candidates against me. One of them provided the Times with the information that I had committed the unforgiveable crime of seeking the support of union labor. A letter was sent to me on the stationery of a union local asking about my labor record. I innocently replied that I had not been on the bench long enough to have a labor record, but cited my ruling in favor of the strikers in the waterfront strike of 1933. The inquiry was a political ruse and my reply was immediately published in the Times as an expose of my radicalism. The Times was

also angry because I had written a letter to Rube Borough praising the way in which the Upton Sinclair campaign was being conducted. Rube was an editor of Sinclair's campaign newspaper. The Times thought this was a pretty dreadful piece of class treachery. The result was that the Times endorsed Courtney A. Teel, a Hollywood lawyer, against me. However, Teel ran third in the primary.

The candidate against me in the run-off was Daily Stafford, who had been recalled from the Superior Court two years previously for accepting the gift of an overcoat from a receiver. I had a ready-made campaign slogan in November - "Kenny bought his own benny." I won by a very comfortable margin.

The high vote for judge that November was received by Ben B. Lindsey. Ben had been driven out of Denver by a reactionary wave. A Ku Klux Klan supporter replaced him in the Juvenile Court, where Ben had made an international reputation. Ben's vindication in the Los Angeles election was treated as an important liberal victory all over the country. Most of my colleagues on the Superior Court were not equally enthused. The Juvenile judge in California has to be elected by the votes of his fellow Superior Court judges. Ben was still a victim of jealousy. He never could muster more than five or six votes for the juvenile post in Los Angeles County.

My campaign committee for judge in 1934 included Carrie Jacobs Bond, the composer, Mayor Shaw, John Beardsley, attorney for the A. C. L. U., John S. Horn of the Brewery Worker's Union and assorted

bankers and Republicans. My literature described me as a "consistent champion of liberal and progressive issues."

Liberals triumphed in the election for Los Angeles County Supervisor in November, 1934. John Anson Ford beat Harry Baine, Herbert Legg beat Hugh Thatcher.

On December 19, 1934 Appellate Justice Gavin Craig, my former law professor, was indicted by a federal grand jury. Craig's offense arose out of the Shortridge-Tubbs campaign of 1932. The Italo people testified Craig had told them he could get the federal indictment against them dismissed if they made a $60,000 campaign contribution to Senator Shortridge. Judge Craig's conviction was affirmed in 1936 (81 Fed. 2d 816). He then resigned from the bench and was disbarred, after serving several months in the Ventura County jail.

In 1944 I had a chance to help Judge Craig. I was Attorney General then, and Superior Judge William Palmer was Chairman of the Committee on uniform criminal jury instructions. Judge Palmer agreed with me that there was no reason why one of the best legal brains in Los Angeles County should remain unemployed. I put ex-Judge Craig on the payroll of the Attorney General's office as law clerk, and assigned him to the job of assisting Judge Palmer in drafting these jury instructions. Shortly before his death the following year, he was reinstated to the practice of law.

CHAPTER SIXTEEN

SOME QUIET YEARS

In 1935 I finally settled down to the full time business of being a Superior Court judge. I had been elected to a six year term. My friend, Governor Rolph, was dead. I had no connection with the new Merriam regime in Sacramento, and no election campaigns were on the horizon. Early in 1935, I was assigned to the Law and Motion court. This department only considers questions of law. I had no witnesses to swear, juries to empanel, or long dreary cross examinations to listen to. The job was a lawyer's delight. It was like going to law school every day, except the County was paying me for it. Presiding Judge Edward T. Bishop reassigned me to the department in 1936.

While sitting in this court, I drafted a manual for the guidance of the legal profession on "Cost Bill Procedures." Costs are the items for which the winner of a lawsuit may reimburse himself against the loser. The amounts involved are usually small but the legal problems presented were frequently perplexing. My manual has gone through several editions, the latest being published by the State Bar in 1960.

I had long been interested in proposals to consolidate City and County government and urged Mayor Shaw to do something about relieving unnecessary duplication. Shaw appointed a Citizen's Consolidation Committee in 1935 and made me its chairman. I went to Alameda County and studied the history of attempts to consolidate city and county governments there, writing a monograph on the subject. I also studied the operation of the

consolidated city and county government of San Francisco.

The vice chairman of the committee was a splendid old gentleman, a former mayor of Denver, John Rush. Mr. Rush had participated in the consolidation of the city and county government in Denver. After several months work, the Committee made a report. The majority report, which I prepared, favored functional consolidation as opposed to complete consolidation. I feared that there were too many cities in Los Angeles County (nearly fifty then) which would be jealous of their autonomy and refuse to surrender complete control over local government. I believed, however, that certain services could be wholesaled by the county to the various city governments at a tax saving. These would be services such as police, fire, health, and personnel selection. John Rush did not believe in such halfway measures. He filed a minority report, urging that Los Angeles City separate from the rest of the county and set up its own city and county government. Our majority proposals for the strengthening of county government to enable it to perform these wholesale functions came before the Board of Supervisors. We particularly recommended creation of the post of County Manager. Unfortunately one proposal was that the Board of Supervisors be increased from five to nine members. Even the new, liberal supervisors would have no part of any such program and they all voted against it. Of late years, since the incorporation of Lakewood, with a minimum of municipal functions to be performed, there has been a good deal of functional consolidation in Los Angeles County. Perhaps our 1935 commission did contribute something to this later development of the "Lakewood Plan."

My former law professor, Leon Yankwich was ambitious to move from the Superior Court to the Federal bench. I did what I could to help him. I had no influence with Senator MacAdoo, but I did have an idea. I hired a Washington newspaper man, a correspondent for California papers, to go to Senator MacAdoo's office three times a week to inquire if there was any news on the appointment of Judge Yankwich. This was designed to create the impression in the Senator's mind that there was a big newspaper sentiment for my candidate. Judge Yankwich was promoted to the federal bench on August 24, 1935.

On January 21, 1935 the Supreme Court of the United States decided Tom Mooney's petition for habeas corpus (294 US 103), holding that if Mooney could show that the prosecution knew that its evidence against him was perjured, this would constitute a denial of due process. George T. Davis, of San Francisco, was Mooney's attorney. The Supreme Court ruling brought the Mooney case back to life in California. In 1935 and 1936 I made several speeches at "Free Mooney" meetings. District Attorney Buron Fitts had been finally cleared of all the charges filed against him early in 1936, but a new campaign against him was being mounted. Harlan Palmer, publisher of the Hollywood Citizen-News, was the candidate of the liberals and the reform forces. Judge Fletcher Bowron invited me to come into the Palmer campaign, and I joined it wholeheartedly. Judge Bowron thought it a good idea to invite Stewart McKee into the campaign since McKee was president of a brewery and his support of Judge Palmer might offset the "dry" atmosphere that attached to most of Palmer's

supporters. However, Fitts won again, beating both Palmer and Assemblyman Ralph Evans, the candidate of Senator Olson and the organization Democrats. McKee and I manfully made up the deficit in the Palmer campaign. Palmer's newspaper always opposed me in my own campaigns, both before and after my efforts to help him in 1936. The first American Newspaper Guild strike in Los Angeles was aimed at his Citizen News in 1938. The days of Palmer as liberal publisher were ended after this.

In the fall campaign between Roosevelt and Landon, I was invited by George T. Davis, Mooney's attorney, to attend a Fresno convention of Progressives for Roosevelt, known as the LaFollette-Norris-LaGuardia Committee. It was a committee composed of independents, rather than Democrats. I became the Southern California chairman of this committee. The organized Democrats would have nothing to do with us, however. I invited Senator Culbert Olson to a luncheon of the committee at the University Club. He could see no reason why there should be any pro-Roosevelt committee other than the Democratic Central Committee. He could not appreciate the feelings of those of us who were ashamed to be Republicans but still afraid to be Democrats.

In 1937, Fletcher Bowron became Presiding Judge. He had progressive ideas about court calendar improvement and wanted to initiate pre-trial procedure in California. In this, Judge Bowron was easily twenty years ahead of his time. In February, 1937, I went to Washington to attend the founding meeting of the National Lawyers Guild. I promised Judge Bowron I would visit the courts in Boston and Detroit, where the pre-trial experiment

was then being carried out. When I returned to Los Angeles I took leave from the Law and Motion Department to assist Judge Bowron. I conducted the first pre-trial conference calendar ever held in California. The experiment would have done much to relieve court congestion. However, it was new and lawyers resist anything new. When Judge Bowron's term expired as presiding judge, he was succeeded by Judge Reuben Schmidt. Schmidt promptly threw out the whole pre-trial arrangement and sent me back to the Law and Motion Department, where I remained until I finally left the Superior Court bench. The pre-trial experiment was not revived until 1957, but it is now in successful operation throughout California.

The National Lawyers Guild was formed in Washington, on February 22, 1937. I attended upon the invitation of George Davis. President Roosevelt had just been re-elected for his second term. He was planning to do something about the United States Supreme Court, whose nine old men had been blocking his program. Tom Corcoran and Morris Ernst of New York conceived the idea of a new national bar association composed of liberal lawyers to offset the influence of the American Bar Association. In those days the American Bar Association was a branch of the Liberty League. It had even opposed the child labor amendment. In response to the call to Washington to form a new liberal lawyers' organization, crossroads Clarence Darrows appeared from all over the United States. Since I was from California and removed from the various eastern and mid-western factions, I was made chairman of the original nominating committee. In this job I became acquainted with, or at least learned the

names of all the leading New Deal lawyers and old-time liberal practitioners. Because of attending this and subsequent lawyers guild conventions I made the acquaintance of many Supreme Court Justices, Attorneys General, law professors, Congressmen and Senators. It was an eye-opening experience for a provincial Southern California lawyer.

Upon my return, I organized the Los Angeles Chapter of the National Lawyers Guild. The nucleus of such a chapter already existed in the Amidon Club to which the civil liberties lawyers of Los Angeles belonged. Judge Amidon, a former Federal Judge in North Dakota, had made a national reputation when he refused to issue injunctions against labor unions. He came to Southern California upon retirement.

The first chairman of the Los Angeles Lawyers Guild was Lester William Roth, who had just resigned from the Superior Court to enter private practice. William H. Anderson, and John Hart, distinguished Los Angeles lawyers of an earlier generation, were also among the members.

The Democrats had obtained a majority of the Assembly in the State Legislature. On May 27, 1937, a joint resolution was adopted asking the District Attorney of Sacramento to investigate corruption in state government. Open grand jury sessions were commenced. The 1938 campaign for governor was opening early.

Early in the fall of 1937, Senator Olson announced that he was going to run for governor in 1938. I immediately became treasurer of his campaign in Los Angeles. A few days later I decided to run for Olson's

vacancy as State Senator from Los Angeles and registered as a Democrat. In announcing my candidacy, I stated that I would spend no money on my campaign other than the $60 required for filing fees. I kept this campaign pledge and went even further, I did not even make a speech in my own behalf for state senator. Perhaps that was why I won.

Just at this time the Mooney case was thrown directly back into California politics. On October 29, 1937, despite his showing of use of perjured testimony, the State Supreme Court denied Mooney habeas corpus, Justice Langdon dissenting (10 Cal. 2d 1). If there was to be any relief for Mooney, it would have to come from the Governor who suceeded Frank Merriam.

In 1936 I was invited to speak at several meetings on "Jurisprudence under the Third Reich." I had made a study of what Hitler had done to courts and the law in Germany. My speech was welcomed at B'nai Brith meetings and at functions of the Hollywood Anti-Nazi League. In November, 1936, I was one of the sponsors of a Shrine Auditorium rally for Loyalist Spain. For this, I was attacked in the Tidings, the diocesan newspaper of the Roman Catholic Church. I was taken by surprise because I had believed almost everyone was opposed to Fascism. The Catholics had been my only dependable clerical allies during the fight against Prohibition. I was used to opposition from some Protestant reverend worthies, but this was new and unexpected.

CHAPTER SEVENTEEN

THE 1938 CAMPAIGNS

On the night of October 28, 1937, when parking my car at our home at 1941 North Serrano, I heard a loud booming noise. I followed the crowd of aroused neighbors and we discovered that a bomb had gone off at the home of Clifford Clinton, at 5470 Los Feliz Boulevard. Luckily no one was injured. Clinton was a member of the reform Grand Jury and head of a group known as C.I.V.I.C. (Citizen's Independent Vice Investigation Committee) which was checking on corruption in the administration of Mayor Shaw.

Another bomb went off on January 14, 1938. The victim this time was Harry Raymond, an investigator for Clinton. Raymond was nearly killed by a bomb attached to the starter of his automobile. A month later Sergeant Earl E. Kynette of the Los Angeles Police Department was indicted for the attempted murder of Harry Raymond.

Once Kynette was convicted (15 Cal. 2d 731) recall petitions were circulated against Mayor Shaw. Shaw had just been re-elected in 1937 for another four year term, defeating Supervisor John Anson Ford.

I attended meetings in the office of the Municipal League in the Bradbury Building for the purpose of selecting a candidate. Some suggestion was made about my being a candidate, but I declined since I was committed to the Olson for Governor campaign. Sam Yorty, a young Democratic Assemblyman who was elected in 1936, was hopeful of being designated. Sam had been quite prominent in the investigation of the corruption going forward in Sacramento. However, Sam was passed over

in favor of Judge Fletcher Bowron. At a special recall election on September 16, 1938 Judge Bowron defeated Shaw by a vote of 233,427 to 122,692. The Los Angeles Times supported Shaw in this race, as it had in 1937. It had long since forgiven him for being a Canadian of dubious American citizenship.

On July 19, 1938 the Sacramento grand jury had ordered lobbyist Arthur Samish to appear and produce his income tax returns. Samish tied the matter up in the courts until October 4, when the Third District Court of Appeal denied his petition for a writ (28 Cal. App.2d 685). Howard Philbrick, a San Francisco investigator, was retained by the Governor to investigate corrupt practices in the legislature.

Throughout the primary campaign, I continued to act as treasurer of the Olson for Governor committee in Los Angeles. I did, however, permit myself one political deviation. One night Fletcher Bowron drove me home. On the way he urged me to endorse District Attorney Earl Warren of Alameda county for Attorney General. I told him that I would.

I had become acquainted with Warren when we had worked together in opposing bail bond broker legislation in 1931. U.S. Webb, the State's Attorney General for 36 years, was retiring. Bowron arranged for me to have lunch with Earl Warren and Grant Cooper, who had been active with me in the 1936 campaign against Buron Fitts. At this lunch, I explained to Earl Warren that I needed some kind of statement from him that would make my endorsement understandable to my civil liberties friends.

In compliance with this request, Earl Warren sent me a three page

handwritten letter on July 20, stating that he believed there was a grave danger of losing our civil liberties in the United States just as they had been lost in other countries. He referred to Mayor Hague's suppression of free speech in Jersey City and declared that he was unalterably opposed to any species of vigilantism - "I believe that if majorities are entitled to have their civil rights preserved, then they should be willing to fight for the same rights for minorities, no matter how violently they disagree with their views - - - I believe that the American concept of civil rights should include not only an observance of our Constitutional Bill of Rights, but also the absence of arbitrary action by government in every field and the existence of a spirit of fair play onthe part of public officials toward all that will prevent government from using ever-present opportunities to abuse power through harassment of the individual."

I was delighted with this and announced my support of Warren for Attorney General. Some organization Democrats were horrified. The Hollywood Central Young Democrats passed a resolution saying that "Every loyal Democrat should know that Earl Warren is a reactionary Republican." They then officially repudiated me for my action in supporting him. I received a letter from Tom Mooney in San Quentin, saying that he was going to withdraw his support of me for State Senator unless I repudiated Earl Warren.

The support given Earl Warren by Democrats like me that year was crucial in his career. In the 1938 Democratic primary he received only 308, 500 votes to 280, 408 for Carl Kegley, the candidate of the Ham-and-

Eggers. Other Democratic candidates were William Moseley Jones, speaker of the Assembly, 169,521 votes and Patrick J. Cooney, the Epic candidate in 1934, 124,151 votes. Another 130,000 votes went to three other Democratic candidates.

Clearing the path for Olson's nomination for governor was made easy by the same multiplicy of candidates that had made it possible for Sinclair to get the nomination in 1934. Late in 1937, a Committee for Political Unity was formed in a series of meetings held at my house in Los Angeles and at the home of Harold Sawyer, a C.I.O. attorney in San Francisco. We brought into the Committee for Political Unity all of the liberal and labor forces that had supported Sinclair, plus all the additional strength we could gather. Members of the Committee for Political Unity included: Assemblymen Wilbur Gilbert, Augustus F. Hawkins, George Miller of Berkeley, Ellis E. Patterson, John Pelletier, Fred Reaves, Paul A. Richie, Ben Rosenthal, Jack B. Tenney and Samuel W. Yorty. Others were Lee Geyer, later a Congressman, Dewey Anderson, head of the State Relief Administration, George T. Davis, Carey McWilliams, George Kidwell and Herbert Sorrell, A.F.L. leaders, Col. Charles Erskine Scott Wood, Sara Bard Field, the poet, Anthony Pratt and Michael Rudolph of the Municipal League, John D. Bary, San Francisco newspaperman, Dr. T. Perceval Gerson, Dr. Ernest Caldecott of the First Unitarian Church, Los Angeles, Oliver Carlson, the author, and Dr. E.P. Ryland of the American Civil Liberties Union.

The split between the A.F.L. and the C.I.O. did not occur in

California until two years after the C.I.O. unions had been ousted nationally. Pressure from National President William Green finally brought about the ouster of the C.I.O. locals from the state Federation of Labor in September, 1937. The State Federation endorsed Sheriff Daniel Murphy of San Francisco for Governor at the primary. President Green then gave his personal endorsement to Governor Merriam, the stand-pat Republican, simply because the C.I.O. was backing Olson.

This was a period when the Communist Party was on its best behavior. It then urged a united front against fascism both internationally and locally. I am sure that the Communist leadership of California did everything within its power to prevent the splitting tendencies that usually break up reform and progressive groups.

The candidate for Lieutenant Governor on the CFPU slate was Ellis Patterson, Assemblyman from Monterey County. In 1936 Patterson had accomplished something of a political miracle. He had previously been elected as a Republican. In 1936 the Republicans of his district thought him too friendly with the Democrats and he was beaten in the Republican primary by Henry P. Russell. Pencils were then circulated throughout the district. Slogans on pencils urged the voters to write in the name of Ellis Patterson in the general election. On November 3, 1936, Patterson won with 12,928 write-in votes as against 12,738 ballots stamped for Russell. Until then it was not believed that there were that many Democrats who could write.

The Democratic race for senator in 1938 started out as a three-

cornered one. Peirson Hall had served four years as U. S. Attorney after MacAdoo became senator. MacAdoo and Hall had fallen out and Hall was not reappointed. John B. Elliott, one of MacAdoo's original managers, was also on the outs with the incumbent. Hall announced as a candidate for U. S. Senator but a few days later Sheridan Downey, Upton Sinclair's running mate in 1934, announced that he was also going to seek the Democratic nomination. John B. Elliott, perhaps the clearest political thinker California Democrats have ever had, knew that a three-cornered race would only renominate MacAdoo. He reasoned wisely that either Hall or Downey would have to withdraw. Poll sampling showed him that Downey would get the labor vote, but if he pulled out it would go to MacAdoo. On the other hand, if Hall withdrew, the labor vote would go to Downey. Peirson Hall was persuaded by Elliott and others to make the sacrifical gesture and withdraw. This generous act permitted Downey to obtain the nomination over MacAdoo. The Republican candidate against him in the fall was Phil Bancroft, son of Hubert Howe Bancroft. Phil had become the darling of the Associated Farmers although the Democrats called him a Montgomery Street farmer.

Following the primaries, I attended the Democratic State Convention in Sacramento on September 17, 1938. Richard Olson, the candidate's son and private secretary, wanted me to be the new state chairman, and Manchester Boddy urged my selection in the L. A. Daily News. However, I had made the mistake of fraternizing with the MacAdoo forces in the days following MacAdoo's defeat. Stewart McKee and I had attended a meeting at MacAdoo's home in Santa Barbara, shortly after the primary. There,

for the first time I met William Malone, the San Francisco chairman. He was one of several of MacAdoo's Northern friends who came down for the meeting. Malone was a breed of politician seldom encountered in Southern California. He gave his word sparingly but always kept it.

My feeling was that the time had come when we should bind up the wounds of the primaries. However, Olson was resentful over the bad treatment MacAdoo had given Upton Sinclair's adherents in the 1934 elections. Olson suspected me of being "soft" on conservative Democrats. After all, I had just won the Republican nomination for State Senator as a cross-filer. The selection of the state chairman is a perquisite belonging to the candidate for governor. The chairman Olson selected was John G. Clark, an Assemblyman from Long Beach, later a Superior Judge.

Jesse W. Carter, a Redding attorney and former Governor of the State Bar, invited Olson, Patterson, Phil Gibson and me to come with him to Modoc County for a few days rest. We spent our time at the ranch home of Roderick MacArthur. We looked at some deer but did not shoot any. Supreme Court Justice Emmett Seawell was up there with us. Carter was ambitious for Seawell to become Chief Justice if a vacancy occurred. However, Justice Seawell pre-deceased the incumbent, Chief Justice Waste, in less than a year thereafter.

I took charge of the finances for the Democratic State Central Committee in Los Angeles. Supervisor Herbert Legg, who had been one of the candidates against Olson, was widely respected among prospective campaign contributors. I asked him to join me. Olson's suspicions must have

been reinforced when he saw me working with a man who had just been running against him. In any case, our regular finance committee was soon bypassed and Richard Olson personally collected most of the campaign funds for his father's campaign that fall.

One factor operated strongly in the Democratic Party's favor at the November 8 election. This was the presence of an anti-picketing initiative, Proposition No. 1, on the ballot. The need to defeat this proposition brought out a heavy labor vote, greatly helpful to the Democratic slate. Ironically, even if it had passed, it would have been declared unconstitutional under the doctrine of Carlson v California expounded by the U. S. Supreme Court in 1940 (310 U. S. 106).

The Ham-and-Egg pension proposition was also on the ballot. It was defeated. The Ham-and-Eggers declined to support Olson at the primary. Their candidate was Congressman John Dockweiler. Dockweiler ran second, although Olson's vote exceeded his by more than two-to-one.

On September 15, 1938, I helped to prepare and file with the Secretary of State a 220 page expense report of the Olson primary campaign. It was a document of unprecedented candor. We reported expenditures of $103,664, an honest figure. The Republicans only reported expenditures of $1,743 for Governor Merriam. My personal contribution to Olson was reported as $3,808.98, Phil Gibson's as $2,800.00.

STATE SENATOR

A funny thing happened to me on the way to the State Senate. I had been Olson's Southern California treasurer in the primary. In addition to my reported contribution, I had personally guaranteed a $10,000 note to help finance his campaign. I had worked very hard in the fall campaign to bring in finances for the Democratic ticket. I had just been elected State Senator from Los Angeles County to occupy the same seat that Olson, himself, was vacating. However, after the September 18-20 trip to Modoc County, I never saw Olson again until he was inaugurated on January 2, 1939, and then only from a distance.

Olson set up temporary headquarters in Sacramento and started preparing his budget. I expected any day to be invited to confer with him. Nothing happened. Then Wesley Barr, political editor of the Herald Express, published a story on November 25, 1938 speculating that I would be the "poobah" of the Olson administration. Apparently this made Olson so furious that the L. A. Times of December 8, 1938 noted our growing coolness. Wes Barr's story said:

"They do say down where the politicans gather that Judge Robert W. Kenny, who now is also a state senator from Los Angeles County, is to be the 'Grand Poo-bah' of the incoming Olson administration in California. Judge Kenny is what is known as a 'bold un' in California politics. It is claimed that he rode a white horse in the wet parade at a time when wets were not worth a thin dime at vote getting. Kenny takes all the political chances and somehow or other nearly always comes out on top. He captured both the Democratic and Republican nominations for

state senator from Los Angeles County, and won in a walk. So it is not surprising that he probably will play 'Poo-bah' to Governor elect Olson's Mikado."

One evening soon thereafter Assemblyman Paul Peek was working late in his Long Beach law office. He answered his telephone.

"This is a test," said an unidentified female caller. "What is Pooh-bah?" The answer was easy for Peek who had sung in Gilbert and Sullivan operas during his college days. He even rendered a few bars from the Mikado over the telephone. His listener was over-joyed.

"Great," she said, "You have just won our support for the Speaker-ship." She then hung up.

The Democrats elected Peek the new Speaker when the Assembly convened in January. Peek, later Justice of the State Supreme Court, believes some of his support in that contest came from friends of mine who were delighted at discovering a legislator who didn't think a "poo-bah" was some kind of sex deviate.

The poor Governor-elect was certainly overwhelmed by the swarms of patronage-hungry Democrats. He had not realized until then how few jobs there actually were at his disposal. Immediately after the election some of Olson's people had circulated thousands of mimeographed job application blanks throughout the state. Persons who sought jobs were to fill out these application blanks and obtain endorsements of county chairmen, assemblymen and others. This was a great deal of waste

motion, since California had become almost 99% Civil Service upon the adoption of the 1934 initiative.

When I arrived in Sacramento for the session, I was still in the dark as to my status with the new administration. A tradition then existed which gave the Governor the right to choose the chairman of the Senate finance committee. Phil Gibson, whom I had introduced to Olson a few months before, and was the new State Director of Finance finally persuaded Olson to consent to my designation as finance committee chairman. This automatically made me the floor leader of the Democratic minority.

Olson became seriously ill on the afternoon of January 7, 1939, the Saturday following his inauguration. He had performed his most splendid public act earlier that day, with the public pardoning of Tom Mooney in ceremonies in the Assembly Chamber. One of the most moving experiences of my life was to witness the scene in San Francisco the following day when Tom Mooney marched in a great labor parade up Market Street to the City Hall.

Sara and I had separated in September, 1938, and when I came to Sacramento, I lived at the Sutter Club. Jesse W. Carter, just elected Senator, and Phil Gibson also lived there during the 1939 session. Stewart McKee had come to Sacramento with me to witness the excitement and birth pains of the new Democratic administration. He liked the Sutter Club. It was different from Los Angeles. "It's a club full of members," he said.

The 1939 Legislature convened January 2. New senators are sworn in two hours before the new governor takes his oath. If I had been sworn

in that day, I would have created a Superior Court vacancy which the Governor Merriam could fill during the brief interval of office remaining to him. I therefore deferred taking my seat until the following day so that the new Governor could appoint my successor.

Governor Olson made a splendid appointment to fill the vacancy. He chose John Beardsley, who for years had been the devoted attorney for the American Civil Liberties Union in Los Angeles. Beardsley had actually been a long time supporter of Ray Haight, and even stayed with him during his forlorn campaign in 1938. For once, Olson was in a forgiving mood.

On the first day of the session, while I was still not a member of the Senate and Merriam was still governor, the Senate proceeded to confirm Merriam's appointee, Rex Goodcell, as Insurance Commissioner. Sitting on the sidelines, I persuaded Senator James McBride, a Democrat, to move for reconsideration of this confirmation. The next day Governor Olson withdrew Goodcell's name before the reconsideration motion could be acted upon. This parliamentary maneuver had successfully blocked the rush act to bring about Goodcell's confirmation. A stalemate ensued for several months. Goodcell continued as holdover Commissioner until his successor could be confirmed. It began to look as though we could never get a majority of the Senate to confirm any nominee of Governor Olson's. I had a happy inspiration during the closing days of the session. Andrew Perovich, a popular Democratic Senator from Amador County, wanted to become a judge. I persuaded Olson to appoint Superior Judge

Anthony Caminetti of Amador County to the post of Insurance Commissioner, thereby creating a judicial vacancy to which he could appoint Senator Perovich. This strategy worked. The senators, all fond of Andy Perovich, voted to confirm Judge Caminetti as Commissioner on the theory that a vote for Caminetti was a vote for Perovich. There was only one thing wrong with this strategy, and that was Judge Caminetti's own lack of enthusiasm for the appointment as Insurance Commissioner. Governor Olson finally persuaded him, however. When Warren succeeded Olson, Caminetti was out as Commissioner. He later became District Attorney of Amador County.

The Senate was very kind in recognizing my special problems as the sole senator from Los Angeles County, with 40% of the population of the state in my district. They allowed me to appoint two attaches instead of the usual one. Fred Stewart also loaned me two extra employees from the Board of Equalization. My two attaches were Ruth Jenkins, former secretary of councilman Darwin Tate of Los Angeles, and Hilda Garber, a former screen extra. Remembering Wesley Barr's prediction, my four secretaries became known as the "Poobahettes." This sort of thing made Governor Olson uncomfortable, I am sure.

I introduced Senate Constitutional Amendment 20 to reorganize state government in line with the recommendations of the Griffenhagen Report. This report by Griffenhagen and Associates, of Chicago, had been made at the expense of the Keesling Committee, a group of businessmen concerned with maintaining the credit of the state in the securities market. My constitutional amendment proposed the creation of the post of auditor-

general. Under the existing form of state government, pre-audits are conducted both by the Controller and the Director of Finance, and as to legal aspects, by the Attorney General. However, no official conducts a post-audit to find out where the money actually went. This would have been the job of the auditor-general. A.C.A. 20 would also have concentrated the states' tax collecting functions in a single office, instead of being spread among the Controller, the Board of Equalization and the State Franchise Tax Commissioner. Such an amendment obviously trod on too many toes, and it was defeated.

I introduced a bill to limit the hours of domestic workers to 60 hours a week. Everywhere I went to dinner that spring, hostesses assailed me for this "radical" legislation. A year later, when the domestics switched to defense industry, these same hostesses would have been delighted to find a domestic who would work 20 hours a week. I obtained a favorable committee recommendation for the bill, but on the floor, the senators played a cat-and-mouse game with me. The gallery was filled with YWCA workers, since the YWCA was an active sponsor of the measure. The roll was called and I had 20 votes, needing only one more vote for passage. I then imposed a call of the house, and the Senate doors were locked until the absentees were brought in. Whenever an absentee came in and voted in favor of my bill, one of my original 20 supporters would then change his vote from "aye" to "no." This went on for several hours. It was, of course, terribly frustrating for the YWCA girls in the gallery, who could not understand what was going on.

Ultimately, I had to surrender and accept defeat on the bill.

At the request of the downtown merchants of Los Angeles, I authored a bill to create a Los Angeles Rapid Transit District. It passed both houses of legislature, but was vetoed by Governor Olson. Twenty years later, a similar measure became law.

During the session, the Atkinson Oil bill passed the Assembly after a protracted floor fight. This measure would have created state control over the amount of oil produced in California. It was opposed by the independent oil producers and favored by the major oil companies. The Olson administration was strong for the bill. I was opposed to it, because I was afraid that the Democrats were not yet sufficiently seasoned in office to undertake the policing of so rambunctious an industry as the petroleum business. I voted against the bill, but it passed the Senate by a wide margin and was signed by the Governor. The independent oil men circulated a referendum petition against it and when it came to a vote of the people at a special election on November 7, 1939, it was defeated by a margin of 650,000 votes.

Edwin Pauley, an independent oil man, became friendly with Olson during the 1937 Senate fight over the tideland leasing bill. He supported Olson for Governor. In 1939, Pauley supported the Atkinson bill, becoming a "dependable independent" and acted as liason between the Democrats and the major oil companies. He performed this function so well that by 1950, he was called to Washington to become Treasurer of the Democratic National Committee. FDR appreciated Pauley's services

in returning the Democratic Party to solvency. Olson made Pauley a regent of the University of California. He has served longer in that post than any other regent in history.

During 1938, the activities of lobbyists had been under the scrutiny of Howard R. Philbrick , a private investigator, who finally made his report to the Governor in December, 1938. When Governor Merriam left office, he took the report with him, saying that he did not want anyone smeared with the sordid details of past misdeeds. After two weeks, Merriam announced he had turned the report over to Attorney General Earl Warren. Warren studied it and then gave a copy to Governor Olson. Governor Olson sent it to the Senate on April 3. The following day, the Philbrick report was routinely printed in the Senate Journal without opposition. However, on April 5th, when the dynamite in the report was discovered, the Senate promptly reversed itself and expunged the report, reprinting the Journal for the previous day. Copies of this report are still extant, but they are collectors items. Bills to correct lobbying practices were introduced in the 1939 session, but all of them failed of passage.

Superior Judge Ben B. Lindsey came to Sacramento with a bill to create a Conciliation Court. I introduced the measure and obtained its passage. It became the foundation of the system of Conciliation Courts now employed with constantly increasing success by the Superior Courts in California's larger cities. Ben died during World War II. I persuaded Millie Rorke to have the California Shipbuilding Corporation name a Liberty Ship after the brave little judge.

I always wondered how a modest, unassuming man like Ben Lindsey could acquire so many vicious enemies, particularly among people who never knew him personally. Today, people would call him "controversial," as if that was a bad word. Ben never wanted controversy. He just saw ways of improving society that were not understood by the dunces who opposed him at every step of the way.

CHAPTER NINETEEN

MY BREAK WITH OLSON

The 1939 legislature reconvened for its second session on March 6. The patronage pressures upon the Governor from members of the legislature had vastly increased during the recess. Several Democratic legislators had decided that since they were not getting all of their friends appointed to jobs in the relief administration, where there were no civil service restrictions, it must be that the jobs were being given "to the Reds." Dewey Anderson, a former assemblyman, had been appointed head of the State Relief Administration by Olson. Anderson had been a Stanford professor, and was therefore automatically suspect among the anti-intellectual element. For quite a while Anderson held out for merit appointments to the Relief Administration. The job-hungry legislators turned their wrath on William Plunkert and Rose Segure, both qualified social workers, who had been active participants in the 1938 campaign of the C. F. P. U. Plunkert and Miss Segure had been awarded important posts in the State Relief Administration.

The first indication that the Olson administration had caved in to "red-baiting" came on April 4, 1938, when Dewey Anderson, with the Governor's approval, fired Bill Plunkert and Rose Segure. I opposed this, comparing it unfavorably to the treatment of Simon Gerson in New York. Gerson was press secretary to Stanley Isaacs, President of the New York City Council. Previously, he had been a reporter for the Daily Worker and was openly registered as a Communist. The same kind of pressures being brought upon Anderson and Governor Olson had been

brought upon Councilman Isaacs. Isaacs stood his ground and refused to fire Gerson but liberal California Governor Olson retreated at the first rattle of the muskets. This was the first public division between Olson and myself.

The 1939 legislative session finally adjourned on June 22. It was the longest legislative session in California history. A few weeks before adjournment a vacany had occurred in the Appellate Court in Los Angeles upon the death of Justice Charles Crail. I asked Olson to appoint me, but received no immediate assurance that he would do so.

The Ham-and-Eggers pressed the Governor to call a special election for another initiative proposed for which they had obtained sufficient signatures. On July 1, Governor Olson called a special election of the Ham-and-Eggs proposal for November 7, 1939.

On July 7, Supreme Court Justice Emmett Seawell died. I immediately moved up my sights from the Appellate Court and asked the Governor for the Seawell vacancy. On July 14, Senator Jesse Carter visited me in Los Angeles. Carter also wanted the appointment to the Seawell vacancy. He was eminently qualified, both from his standing as a lawyer and as an active participant in the Olson campaign. Jesse had been a district attorney for two terms and one of the first Governors of the State Bar. I agreed to support Carter for the Supreme Court and to take the Los Angeles Appellate Court vacancy if it was offered me. That afternoon we went together to Governor Olson's residence at 506 S. Mariposa Street, Los Angeles. The Governor was agreeable to our arrangement and announced the appointment of both of us the next day.

A legal complication prevented us from taking judicial office immediately. Article IV, Section 19 of the State Constitution provides that no legislator can accept any state office, except those "filled by election of the people." A test case was filed by Senator Carter, and on August 15, the Supreme Court ruled that judicial offices were elective and legislators were eligible to appointment to them (14 Cal. 2d 179).

Just five days before that decision came down, W.H. Langdon, a great liberal justice of the Supreme Court had died. My ambitions for the Supreme Court were then eclipsed by a new turmoil in the State Relief Administration. On August 14, Dewey Anderson resigned as administrator, making acrimonious charges against Governor Olson for political interference in his department. In the general excitement, my claim to the Langdon vacancy was overlooked.

On the day following Anderson's resignation, Finance Director Phil Gibson was given the Langdon vacancy. I promptly informed the Governor that I had decided not to accept his appointment as Presiding Justice of the District Court of Appeal, Division Two, in Los Angeles. I then asked Olson to appoint Paul Vallee to the post. Paul Vallee and Lawrence Beilenson had become my law partners upon my leaving the bench in January. Paul was then president of the State Bar and eminently qualified for the bench. Governor Olson ultimately gave the appointment to Superior Judge Minor Moore, who served in that position with distinction for nearly twenty years. In 1949, Governor Warren appointed Vallee to the Appellate Court.

The second campaign on the Ham-and-Eggs proposal was then beginning. I became chairman of the Southern California Campaign Committee against Ham-and-Eggs. The Northern California chairman was U.S. Webb, who had been Attorney General for thirty-six years prior to surrendering the office to Earl Warren. James C. Sheppard, a Los Angeles attorney of great vigor, became the campaign manager against the proposal here in Los Angeles. It was my first political campaign in which there were always sufficient funds available.

Governor Olson was not in favor of the new Ham-and-Eggs proposal, but he was equivocal on his opposition to it. As a result he gained the enmity of both sides. At the November 7th special election, the Ham-and-Eggs proposal was defeated by 1,933,557 to 993,204, a much wider margin than before. Proposition No. 5 on that ballot was the referendum on the Atkinson Oil bill. This measure, which Olson strongly favored and I had opposed, was also defeated by the voters.

When World War II broke out in August, 1939 the period of the unified front ended. The left decided that the war was "an imperialist war." The announcement of the Hitler-Stalin pact in August, 1939 grieved and puzzled many liberals who had been happy "fellow-travelers" up to then. Liberal organizations became particularly vulnerable to splitting tactics. In a few months the National Lawyers Guild was rocked by resignations by many of its former members. I was stubborn. I never resigned from the Lawyers Guild or anything else. However, I did not agree that the war against Hitler had suddenly became an imperialist war.

My mother died August 30, 1939. Sara and I had become reconciled about the same time and she returned from San Francisco to the Serrano Street residence. We continued to live there until we moved to San Francisco in 1943, upon my election as Attorney General.

After the Ham-and-Eggs campaign ended, I decided to move my law office back to the courthouse hill. During my association with Vallee and Beilenson we had taken an elegant suite in downtown Los Angeles but I was frightened by the overhead. Roy Allen said there was available space next to his in the Broadway-Temple Building. My firm was dissolved and I moved in with Roy in December, 1939. Taking in a new partner, Morris E. Cohn, a younger lawyer whose work I had greatly admired when I was a judge, the firm of Kenny and Cohn was a happy combination. It continued in existence until 1948, when Cohn moved to Hollywood to set up an independent practice.

The third man in our office was Robert O. Curran, a newly admitted lawyer, who stayed with us until he entered the service. Curran later became a deputy in the attorney general's office and District Attorney of Mariposa County, then a Municipal Judge in San Diego. Curran was replaced by Robert S. Morris, who came to our office October 12, 1941. Morris was an emancipated Texan, who had become a liberal during his years at Dartmouth and Berkeley. He had a brilliant future ahead of him at the Bar. Before he joined us he had been elected president of the Junior Barristers in Los Angeles. However, he insisted on throwing his lot in with Cohn and myself. He has been my partner ever since August 1, 1948, when formation of the firm of Kenny and Morris was announced.

CHAPTER TWENTY

THE 1940 CAMPAIGNS

On January 29, 1940, the legislature re-convened for a special session. Resentments against Olson had been accumulating ever since the adjournment in June 1939. The first victim of this resentment was an innocent by-stander, Speaker Paul Peek. Immediately upon the opening of the session, a coalition of the Republican minority and fifteen anti-Olson Democrats joined to unseat Peek as Speaker, electing Gordon Garland, a conservative Tulare county Democrat, in his place. A month later, Governor Olson was able to ease some of the humiliation unjustly inflicted upon Peek by appointing him Secretary of State upon the death of Frank C. Jordan, incumbent for over thirty years.

On the afternoon of February 21, Garland, the newly elected Speaker, was in his bedroom in the Senator Hotel in Sacramento. He noticed a pinhole of light coming through the valance holding the window drapes. He inspected it and found a concealed microphone. The microphone was traced to Howard Philbrick, the private investigator who had been appointed Director of Motor Vehicles by Governor Olson in September, 1939.

An assembly committee on Interference with the Legislature was immediately appointed. "Let me put a bug in your ear, Governor," became the favorite saying of Sacramento wags.

It always seemed to me that the reason the Olson administration went in for electronics was because the Governor had so suspicious a disposition and also isolated himself from the ordinary ebb and flow of gossip. It was my experience that I only had to make myself available

regularly at Kearney's Saloon on Eleventh Street in Sacramento, and enough people came up to volunteer more information than could have ever been obtained by a dictaphone.

At the first regular session of the legislature in 1941, following this episode, I obtained passage of anti-dictaphone legislation. It was never really effective because the police obtained an amendment excluding them from its application.

On February 20, the assembly authorized the creation of a "Little Dies" committee to investigate Reds in the State Relief Administration. Assemblyman Samuel W. Yorty was chairman and Assemblyman Jack B. Tenney, vice chairman. This committee then travelled the various counties asking state employees if they had any communist affiliations. Eighteen such employees in Stockton refused to answer and were each sentenced to a year in jail for contempt of the Yorty committee. The headlines thus obtained encouraged Yorty to run for United States Senator against Hiram Johnson in the August, 1940, Democratic primary. Sam ran a bad fourth in that contest, with the incumbent Hiram Johnson, Lieutenant Governor Patterson, and Supervisor John Anson Ford, finishing 1-2-3 ahead of him.

The Garland dictaphone episode touched off a recall movement against Governor Olson by a coalition of his enemies, including the Ham-and-Eggers who were experts at circulating petitions. Another group was the independent oil men who were still smarting because of Olson's attempt to control their production through the Atkinson oil bill. They

could finance the recall campaign if necessary.

On March 10, 1940, I announced that I would be a candidate for Governor if the recall petition qualified. Tallant Tubbs told the press he would drum up Republican support. I said, "I can recall Olson, but he seems unable to recall me."

On March 15, 1940 Harold Ickes, Secretary of the Interior, came to San Francisco to bring harmony among the warring Democratic factions. A slate of Roosevelt delegates had to be chosen immediately to qualify for the May 7, 1940 primary ballot.

Governor Olson, Lieutenant Governor Patterson, Senator Jack Shelley of San Francisco, former U.S. Senator MacAdoo and I met with Secretary Ickes at his Mark Hopkins suite. Ickes was pleased to find that the all factions would unite for the election of Roosevelt. We agreed upon a ticket that included representatives of the MacAdoo Democrats, the Olson Democrats, labor, the progressives and the conservatives. One thing agreed upon was that the delegates-at-large who headed the ticket would have their names arranged in alphabetical order. This meant that Isadore Dockweiler, former National Committeeman and FDR's original supporter in California, would be the first delegate on the list. Olson agreed this would be done. I was satisfied because if the ticket was arranged alphabetically, it would not have to bear the burden of being known as the Olson slate.

However, when the ballots were printed, I discovered that Olson's name was first. Earl Behrens of the San Francisco Chronicle called to

ask me if I thought Olson had broken his promise. I replied that I did not think so. With Governor Olson, the alphabet simply began with the letter "O." A few days after this harmony slate was created, Ellis Patterson decided to bolt from it. He set up a "Patterson for President" slate, which qualified for the ballot, but fizzled miserably at the polls on May 7th.

Early in 1940 I appeared before the State Athletic Commission to oppose the renewal of the license of the Hollywood American Legion. Although at that time, two negroes held four world's championships, (Joe Louis, one, and Henry Armstrong, three), the Legion steadfastly refused to schedule any Negro boxers on their regular Friday night cards. Olson had appointed attorney Jerry Geisler, chairman of the Athletic Commission. I protested the Legion's practices at an open hearing of the Commission held in the Los Angeles State Building Auditorium. The Commission ruled that the permit would not be renewed unless the Legion ceased its discrimination. A few months later one of the Legionnaires who had booed me at the Commission hearing, stopped in to thank me. He said attendance had nearly doubled after the negro athletes were allowed to appear.

In the spring of 1940, I acquired two new clients. One was William Schneiderman, head of the Communist Party in California, the other Fred Stewart, Republican member of the Board of Equalization from Oakland. As part of the drive against communists that developed after announcement of the Moscow-Berlin axis, the U.S. Department of Justice filed suit to revoke Schneiderman's citizenship papers. I appeared in the

U.S. District Court in San Francisco for Schneiderman's trial. There I had an opportunity to cross examine Captain William F. "Red" Hynes of the Los Angeles Red Squad. Hynes had been called by the government as an "expert" on Communist philosophy. Taking a chance, I asked him for his definition of "dialectical materialism." He said that he had heard the phrase employed. I asked then if it was "dialect material" like Irish stage comedians used? "No," he said, "it's not." "What is it, then?" Hynes replied, "I can't tell you, but I've got it in my brief case." Judge Michael Roche of the U.S. District Court ordered Schneiderman's citizenship revoked. My appeal to the Ninth Circuit also lost. At this point, the case was taken over by Wendell Willkie, who obtained a reversal by the United States Supreme Court on June 21, 1943 (320 U.S. 118).

Fred Stewart had been indicted by the Los Angeles Grand Jury for alleged misconduct in the handling of liquor licenses in Los Angeles. He was indicted jointly with William Bonelli, the Los Angeles member of the Board of Equalization. Actually Stewart had only been in Los Angeles once in his life before the indictment. I moved for a separate trial for Fred, and the motion was granted. After a protracted trial, Bonelli was acquitted by Superior Judge William Palmer. I then moved for a dismissal of the charges against Stewart and the motion was granted. However, these false charges took their toll of Fred Stewart and he died on April 17, 1942.

On one occasion at the University Club in Los Angeles, both of these clients happened to call on me at the same time. I introduced them and

the Republican and the Communist got along very well together. However, it was this sort of thing that confused Governor Olson, to whom everything had to be either white or black. Olson once wrote to Carey McWilliams that "Kenny is as much at home (with the reactionary Republican forces) as in fraction meetings of the Communist Party." It was not the first time, nor would it be the last, that a lawyer had attributed to him the politics of his clients.

In June, 1940, I was elected national president of the Lawyers Guild at its convention in New York City. Immediately afterwards, I proceeded to Washington to try to stem the stream of resignations the Guild had been receiving from its prominent members in government. I first called upon Robert H. Jackson, then Attorney General of the United States. I explained that I intended to see that the Guild operated as a lawyers' organization, eliminating the rash of resolutions some Guild chapters had been adopting on foreign policy and other matters of no direct concern to lawyers. Jackson said he would withdraw his resignation from the Guild, provided I could convince some others in Government to take the same position. Jerome Frank, then Chairman of the S. E. C., also expressed his willingness to me to return to the Guild. Several other Government lawyers agreed to let me lead them back into the fold.

However everyone said that a final decision hinged on my ability to reconcile Adolph Berle, then Assistant Secretary of State. I saw Berle, and our conversation gave me hope that he would give "clearance" to the Lawyers Guild. He could not give me an immediate answer because he

still had some "checking" to do. I do not know the kind of litmus paper he used, but within twenty-four hours the test came out negatively. I found that Berle had successfully closed all of the important doors in Washington to the Guild.

A year later, once the Hitler-Stalin pact was broken by Hitler's invasion of Russia, the Lawyers Guild situation was rapidly defrosted and many of the resigned members rejoined.

On June 6, 1940, California Chief Justice William H. Waste died, and four days later, Governor Olson appointed Associate Justice Phil Gibson in his place. The vacancy created by Gibson's elevation was filled by the designation of Professor Max Radin of the University of California Law School. Max was one of the most highly respected lawyers and liberals in California. It was part of Radin's generous nature to have written Stockton officials asking clemency for the eighteen state employees who had been convicted of contempt of Yorty's "Little Dies" committee. In an early application of the rule of guilt-by-association, Max Radin was immediately converted into a "Red, "

Nominations to the California Supreme Court are made by the Governor, but they must be confirmed by a Qualifications Commission consisting of the Chief Justice, the Senior Appellate Justice, and the Attorney General. In Max's case, the deciding vote against him was cast by Earl Warren. The Attorney General joined with Senior Appellate Justice John Nourse in voting against Radin. Warren has had a splendid liberal record, growing better every year. His vote on Radin is one

black mark on it which remains unexplained. After Professor Radin was turned down, Governor Olson returned to the University of California faculty to make another excellent selection, Professor Roger Traynor, whose name was approved by Warren and the rest of the Commission.

The Democratic national convention in 1940 opened in Chicago on July 18. I did not attend. I had appointed Jim Sheppard as my alternate. Jim and I agreed to cast my vote for James Farley for Vice President. We believed that there should be some protest against the steamroller control of the convention. Using his powers as Governor, Olson was able to take control of a majority of the California delegation. He had himself elected National Committeeman, replacing former Senator MacAdoo.

This success went to Governor Olson's head. Forgetting his troubles back home he allowed his name to be boomed as a candidate for Vice President. When it was pointed out that if he became Vice President, the governorship would go to Ellis Patterson, the man who had just opposed FDR in the California May 7 presidential primary. Undaunted, Olson telephoned Patterson on July 17, and asked him to resign so that Olson could become a candidate for Vice President. Patterson told him to go to hell. Then Patterson attempted to use his power as acting Governor to fill vacancies that had occurred while Olson was absent from the state. This move was thwarted because Olson's staff had the foresight to have the Governor sign some appointment commissions in blank before he left the state. The blanks were filled

in and the commissions were lodged with the Secretary of State before the Lieutenant Governor could get his own appointments on file.

I stayed out of all of this. I devoted most of the summer of 1940 to helping obtain re-election for several liberal Democratic assemblymen. I had no campaign of my own, and I acted as finance chairman for a joint campaign for Assemblymen John D. Pelletier, Jack B. Tenney, Vernon Kilpatrick, Augustus F. Hawkins, Don A. Allen, John W. Evans, Jack Massion, Cecil R. King, and Ralph C. Dills.

I also supported Frank Scully in the Hollywood district. He was one of the few non-incumbents to receive the Democratic nomination that year. Frank Scully is the author of "Fun in Bed." He lost at the general election despite his platform of "out of the gully with Scully, into the ditch with that other fellow."

Since these Democratic assemblymen had been associated with Olson, they were having a difficult time raising money for re-election. Stewart McKee's father, Henry S. McKee, was then head of a group called "United for California." It was a conservative organization but Stewart and I were able to persuade it on personal grounds to contribute to the campaigns of these assemblymen. Every Saturday morning meetings of the assemblymen took place in my office at Broadway and Temple, and whatever funds my joint solicitations had produced were equally divided. They were all re-nominated, and re-elected. Elsewhere in the State, Democrats did not fare so well. Olson appointees to the Superior bench in Santa Barbara, Orange and San Francisco were defeated, and Hiram Johnson, still a registered Republican, swept the Democratic ballot for re-election

to the United States Senate. Olson's untimely effort to "purge" unfriendly Democratic legislators failed generally, although two reactionary Democratic assemblymen were replaced.

When Phil Gibson went to the Supreme Court, he had been replaced as Director of Finance by John R. Richards, a highly respected Los Angeles securities dealer, who had picked up his liberalism while playing football for the University of Wisconsin. Richards made a fine Director of Finance and gained the approval of the Legislature. However, Richards lost confidence in Governor Olson and in September, 1940, he resigned. Later he announced that he would support me in my campaign for Governor if there was to be a recall election. George Killion was appointed Director of Finance and did a competent job for the balance of Olson's term.

On September 21, Olson called another special session of the Legislature. By now he was in full retreat to the people who saw Reds under every bed. Item 7 of his call proposed legislation to bar the Communist Party from the California ballot. When this measure came to the Senate, I offered an amendment which merely proposed that before the Communist Party was banned, it should be given notice and a hearing by the Secretary of State as to why it should be removed from the ballot. My amendment was voted down by the excited patriots of the State Senate. My amendment would have made the bill constitutional. By the following year the State Supreme Court unanimously struck down the measure on the ground due process was denied because no hearing was provided. After my amendment was rejected, the roll was called and I cast a single "no"

vote. This was the first of a series of solitary "no" votes that I was to record in the California Senate during this period.

Despite this maverick attitude, I was honored in October, 1940, by a visit from the Willkie forces. John L. Lewis had already announced his support for Willkie against Roosevelt. My visitors were Lewis Douglas of Arizona and Lynn Atkinson, a wealthy Los Angeles contractor. Lew Douglas had been a family friend since my boyhood. His mother's uncle, Ben Williams, had been the executor of my father's will. The Kennys and Douglases had been family friends ever since my father's day in Tombstone.

I spoke to Douglas and Atkinson in terms that they as businessmen could understand, namely, that I had too much of an "investment" in the Democratic Party to gamble it away for a mere matter of principle. Lew Douglas and President Roosevelt composed their differences later and he became our Ambassador to the Court of St. James under Truman.

In December, 1940 I became the lawyer for the Screen Writers Guild. This association was to lead, seven years later, to my representation of the Hollywood Ten in the Un-American Activities hearings in Washington. In 1940, the S. W. G. had finally been certified as bargaining agent for the Hollywood writers and was entering negotiations with the producers. I was hired to take part in those negotiations. During the 1941 session of the legislature, I flew down, at least once a week from Sacramento for the bargaining sessions.

Another contact with the motion picture industry developed for me

about this time. Nearly all of the contracts between artists and management and artists and agents contained an arbitration clause. When disputes occurred, it was necessary to appoint a neutral arbitrator. Since I had judicial experience and, at that time, was not identified with either side, I was able to go about Hollywood as a dealer in impartiality. I acted as a sort of private judge in many Hollywood disputes. One was between the comedy team of the Ritz Brothers and Universal Pictures. Another was between the actress Rosalind Russell and Myron Selznick, her agent. Selznick had charged her $2,500 for attending a preview of one of her pictures. Miss Russell thought this excessive and, as arbitrator, I agreed with her.

In 1940, I was retained by the State Federation of Labor to represent it before the State Supreme Court in several matters. After the State anti-picketing law, Proposition No. 1, had been defeated at the November, 1938 general election, employers resorted to the time honored weapon of injunctions to curb the growing organization of California labor under the protection of the Wagner Act.

On April 3, 1940, the District Court of Appeals in Los Angeles upheld the conviction of Carl Fortenbury, a C. I. O. organizer, for contempt of court because of his activities in secondary picketing. Representing the State Federation of Labor, I filed a brief in Fortenbury's behalf in the State Supreme Court. Fortenbury's conviction was reversed by a four-to-three decision on October 14, 1940 (16 Cal. 2d 405).

CHAPTER TWENTY-ONE

THE 1941 LEGISLATURE

Soon after the 1941 session of the legislature opened, the Assembly passed Tenney's Assembly Concurrent Resolution 13, which provided for a Joint Fact-finding Committee on Un-American Activities. When the resolution came to the Senate floor, I offered an amendment which provided that the committee should receive no hearsay testimony; that persons called before it should be given the right to cross examine their accusers and to object to hearsay testimony; and that if the hearsay testimony was received, it would not be privileged under the libel laws of California.

This amendment would have prevented the committee from being used as a privileged sanctuary for those who smeared persons and organizations but escaped legal liability for untrue accusations. I could only muster four votes for this amendment. After the amendment was defeated, I cast the only "no" vote on final adoption of the resolution. (1941 Senate Journal pg. 284-5).

Later that session, Assemblyman Tenney obtained the passage of his AB 271, the Subversive Organization Registration Act, known as the "Little Voorhis Act." I argued this act was unconstitutional on the ground that the field had been pre-empted by federal legislation. My protests were overruled and again I cast the sole "no" vote against the measure (1941 Senate Journal 1068). Governor Olson signed the bill without hesitation.

A few years later, my contentions of unconstitutionality on this

measure rose to haunt me. The only prosecution that ever took place under this Act was in 1942 when Attorney General Earl Warren obtained an indictment from the Sacramento Grand Jury against Robert Noble and several other persons accused of Nazi Bund activities. Warren's office obtained a conviction, but by the time the matter came up on appeal, I had become the Attorney General. My staff was then obliged to argue that the law was constitutional, despite my Senate vote against it on the ground that it was unconstitutional. Fortunately, the Appellate Court did not decide on constitutional grounds but reversed upon the grounds that the facts proved were insufficient to warrant the convictions (People v Noble (1945), 68 C.A. 2d 853).

When Hitler launched his invasion of the Soviet Union in June, 1941, my own political fortunes improved immediately. As long as the Berlin-Moscow Axis was in force, I could not obtain any cooperation among the divided liberal forces. The invasion of Russia changed all this at once. The left wing returned to its good behavior. The war against Hitler no longer was an imperialist war.

The recall movement against Olson had been abandoned, largely due to a growing uncertainty as to who the recall election would really benefit. Although a recall election was no longer on the horizon, the 1942 election was. I believed in campaigning in the manner of Governors James Budd and James Rolph. Both of these candidates had visited every one of the 58 counties during their campaigns. Budd, running in 1894, did it by horse and buggy and was called "Horse and Buggy" Budd. Rolph used a

chartered airplane in 1930. Tallant Tubbs visited all 58 counties in his 1932 campaign. He was the first candidate to use a helicopter.

The kind of campaign I planned for the governorship would take a long time. I, therefore, started campaigning thirteen months in advance. I began touring the State in July, 1941.

On October 9th my supporters in Sacramento gave a cocktail party for me at the home of my Stanford fraternity brother, Fred Pierce. Peter Shields, who had been a Superior Judge since the year 1900, came to the affair. Judge Shields was Mr. Democrat in Sacramento, but Governor Olson had overlooked his presence in the Capital during his term of office.

On October 24, I had my first meeting with the "Federal Brigade" in San Francisco. These were the gentlemen who had been appointed to federal office by President Roosevelt, upon Senator MacAdoo's recommendations. Their spokesman was William Malone, San Francisco County Chairman. One of my closest friends in this group was Jerome Politzer, a San Francisco lawyer of elegance and distinction, who was always chosen as treasurer for Democratic Party movements in San Francisco. James Smythe, one time chief clerk of the Assembly and later Collector of Internal Revenue, was another one of this group. These San Francisco Democrats provided me with the warmest and kindliest associations of my life in politics.

Many of my travels about the State were in connection with my membership on a Joint Water Committee of the Legislature. In December of 1941, I traveled from Red Bluff to Stockton for hearings of this committee.

I called upon the Democratic leaders in each of the counties I passed through. While on this trip, I was informed of the death of my aunt, Mrs. May Kenny Viven. I inherited about $25,000 from her. This money was a windfall, and all of it went to finance my 1942 campaign. I was with the committee in Stockton on December 7th, when the Japanese raid on Pearl Harbor occurred.

On the Monday following the Pearl Harbor attack, the United States Supreme Court, by a five-to-four decision, reversed the contempt convictions obtained by the L. A. Bar Association against Harry Bridges and the Los Angeles Times for their comments on court proceedings. This landmark free speech decision, written by Justice Black, redressed the threat to free comment which had existed in California ever since Rev. Shuler had been jailed for contempt and lost his radio license ten years before.

I was not the only Democratic candidate for governor against Governor Olson in 1942. Gordon Garland, the new Speaker, was also running. He had the support of the conservative Democrats and the independent oil men. Upon the opening of the special session in January of 1942, the Legislature decided to send a two-man committee to Washington to confer with the Secretary of War about the status of "Olson's Army," as the State Guard was then called. The legislators thought it a good joke to appoint Garland and me as the two members of the committee. We accepted and traveled together to Washington and roomed together while we were there. I took Garland to meet all of my friends in Washington, including

Justice Robert Jackson. Some compared us to a troupe of professional wrestlers. We were political rivals, but kept on good personal terms so that we could continue competing with each other at the next whistle stop. All during this period I tried vainly to persuade Garland to run for Lieutenant Governor, and not to split the field against Olson.

On January 17, I obtained the adoption of Senate Resolution 27, which created the Senate Interim Committee on Economic Planning. This committee consisted of just two members, myself and Senator John Phillips, a capable Riverside Republican who later served many years in the House of Representatives. Senator Phillips and I traveled the length and breadth of California during 1942, holding hearings on the impact of the war upon California's economy.

On March 15, 1942, our hearing in San Diego produced sensational disclosures that workmen at San Diego aircraft plants had faked intense activity at the request of their superiors when Lt. Gen. William S. Knudsen of the Office of Production Management made an inspection tour. We produced evidence on waste, slow-downs, and bottle-necks in aircraft production. Some members of the Truman Committee of the U. S. Senate, also conducting hearings on war production, objected to our encroachments in their domain.

On April 10, 1942, Earl Warren announced that he was entering the race against Olson for Governor. Earl Warren had learned something from his 1938 campaign, namely, that non-partisanship pays off in California. It had been his non-partisan appeal that caused many

Democrats, including myself, to support him then. Warren announced that his 1942 campaign would also be non-partisan and that he would cross-file on the Democratic ticket. No candidate for governor had ever done this before.

The chief of the staff of the Senate Interim Committee was Stuart P. Walsh, who proved to be a genius in arranging conferences and committee hearings. On April 22, the Committee met in Marysville and heard from farmers, publishers and representatives of labor as to wartime shortages. Mostly the complaints were about the disappearing labor supply, in part brought on by the Army's impetuous exclusion of persons of Japanese descent. Sacks, welding rods, agricultural machinery of all kinds were in short supply. Recommendations were made for employment of school labor. In Stockton on April 24, we considered the problem of the departure of farm labor for industrial plants to obtain higher wages and shorter hours. In Placerville, on the following day, we heard from local Chamber of Commerce representatives on their plans to pool local industries and machine shops to get a share of war contract work. Special problems of California's mining industry were discussed by other witnesses. On April 27 in Napa, we were told of the special needs of food processing and packing concerns. In Ukiah on April 28th, we considered the problems of transient labor in that region.

A special report on wartime problems of small business was issued by our committee on August 1, 1942. On October 28, 1942, we issued a report on the care of children in war time, following a series of hearings

on the need to establish nursery schools for the children of working mothers.

I advanced over $5,000 out of my own pocket for the expenses of this committee. For years afterwards, my friends in the Legislature introduced bills to repay me for this. Usually the bill was blocked by Senator Nelson Dilworth of Riverside County, who seemed to regard me as a dangerous left winger who shouldn't be entrusted with the return of his own money. However, in 1951, the reimbursement appropriation finally passed both houses but then it was vetoed by Gov. Warren. By that time, I think the Governor was justified in treating it as a stale claim. However, the fact that he did veto it was a tangible and expensive refutation of the erroneous belief firmly held by many that Warren and I always had a sinister "deal" between us.

On May 2, 1942, the Kenny-Phillips committee arranged a statewide radio broadcast on the topic of "Unity for Victory." Many factions that had been on opposite sides of the fence appeared together on this program. The AFL and the CIO dropped their respective hatchets and pledged wartime unity. Sen. Phillips and I were awarded medals on this program by the War Production Board for our civilian efforts in aid of the prosecution of the war.

Three days after this broadcast, I had lunch at the California Club in Los Angeles with J. W. Buzzell, veteran Secretary of the Los Angeles Central Labor Council. Buzzell had come to regard me as a partisan of the CIO. However, he was ready to join in my campaign against Olson.

After lunch we went up to the third floor to listen to a re-broadcast of the "Unity for Victory" program. A door opened. Buzzell and I greeted Earl Warren when he came out of a private dining room with representatives of the independent oil men. The unexpected meeting was quite cordial. However, it told a story to me; namely, that Garland had lost the support he expected from the independent oil men and I could forget about it too.

John Dockweiler, the District Attorney, had promised me his support for governor, and I had received similar promises from his distinguished father, Isadore Dockweiler. However, the pressures of political reality were mounting. Even the Olson forces discovered virtues in me they had never before perceived. They thought I would make a fine Attorney General, provided I dropped out of the race for Governor.

CHAPTER TWENTY-TWO

THE 1942 ELECTION

On May 25, 1942, I received a letter signed by nineteen of the State's leading Democrats stating: "Deeply impressed as we have been with your energetic appeal for the largest possible measure of unity in the present emergency, and the commendable leadership which you have furnished throughout the State in this regard, we, your sincere friends, believe that you can best carry this principle into immediate realization by withdrawing from the race for the Democratic nomination for Governor and by immediately announcing your candidacy to the office of Attorney General. Few other individuals in public life in California today enjoy the respect and command the confidence of more diverse groups throughout the whole range of social economic and political groupings in this state than you do. We want and demand your leadership in California as Attorney General. By responding at once to this appeal you will make an outstanding contribution in the political field to the winning of the war and the peace to follow."

This was signed by Helen Gahagan Douglas, National Committeewoman, William Malone, State Chairman, Assemblyman Cecil King, Vice Chairman for Southern California, John B. Elliott, County Chairman for Los Angeles and Alameda Counties, Manchester Boddy, publisher of the L. A. Daily News, Senator John F. Shelley, President of the S. F. Labor Council, the Presidents and Secretaries of the State Federation of Labor and the State CIO Council. Buzzell signed for the Los Angeles

Central Labor Council.

This was certainly silver-platter treatment. Warren's race for Governor had created a political vacuum in the office of Attorney General. Nature abhors a vacuum. I was certainly a child of nature. I accepted the invitation two days later, when I filed for Attorney General on May 27, 1942.

I cross-filed into the Republican Party and made a serious effort to get the Los Angeles Times support. I visited Norman Chandler, the publisher, who had been at Stanford when I was. I tried to persuade him that if Earl Warren was going to be a non-partisan Republican candidate for Governor, I ought to be allowed to be a non-partisan Democrat candidate for Attorney General. The Times was not persuaded. It endorsed Wallace Ware, a former Railroad Commissioner, for the Republican nomination. Even so, I nearly defeated Ware in the Republican primary. The Oakland Tribune stayed neutral in my race with him. The San Francisco Chronicle was slightly better than neutral, but fell short of giving me an outright endorsement. Edmund G. "Pat" Brown, one of my campaign managers in San Francisco, persuaded the San Francisco News to endorse me. Ware had the support of the Hearst newspapers. He campaigned against me on the grounds that I had shown friendship to Communism by my Senate votes and that also, somehow, I was "soft on the Japanese."

In San Francisco I enjoyed excellent bi-partisan support. Bill Malone headed my Democratic campaign, and Superior Judge Elmer Robinson,

later Mayor, headed my Republican campaign. I carried the Republican primary in San Francisco County by a 2-to-1 vote. However, I ran behind 14,000 votes in the Los Angeles County Republican primary, and this was practically the margin by which I was defeated by Ware for the nomination. Ware received 234,789 Republican votes to my 219,778.

Gordon Garland, who had resisted my blandishments to run on my ticket for Lieutenant Governor, had also dropped out of the governorship race upon Warren's entry. He ran for the vacancy on the Board of Equalization created by Fred Stewart's death on April 17, 1942. Garland received the Republican nomination for the Board at the August 25th primary, but lost his place on the November ballot because he was defeated for the Democratic nomination by Ivan Sperbeck, Olson's appointee. In November, a Republican, James H. Quinn, defeated Sperbeck.

I took part in a large anti-discrimination meeting at the Oakland Auditorium on September 19, called to discuss "The Negro People and the War." Walter Gordon, a Berkeley lawyer, now a U. S. Judge in the Virgin Islands, and Paul Robeson both spoke. After the meeting, a crowd of autograph hunters made it impossible for them to escape. I was not important and was able to duck out ahead and then return, saying: "Mr. Robeson and Mr. Gordon, follow me; there is an important phone call." Both of these gigantic men fell in behind me and we were able to walk right out to the waiting automobile. They thanked me. I said, "No, the pleasure is mine. This is the only chance I ever had to run

interference for two All-Americans." Robeson had been selected for All-American at Rutgers the same year that Gordon had been selected for his performances with Andy Smith's Wonder-Team at Berkeley.

The Democratic State Convention in Sacramento was held on September 17 and 18. It was on this occasion that Olson committed his final folly. Bill Malone wanted to be elected Vice Chairman of the Committee for Northern California. George Reilly, a member of the State Board of Equalization, was also ambitious for this job. Olson thought that Reilly could get him campaign contributions from the liquor interests. No matter how much his general influence has waned, an incumbent governor can still control the State Committee. Olson's support gave Reilly a vote of 218 against 182 for Malone. I spoke and voted for Malone at the convention. In the general election, Malone's friends sat on their hands in respect to Olson but worked heart and soul for me in the race for Attorney General. Olson had Reilly's support but I am confident very little money ever materialized from the liquor interests. By this time Olson's defeat seemed fairly certain. Such interests are not often to be found with lost causes.

By cross-filing in the Democratic Party, Warren had a gross vote of 1,040,000 to Olson's 514,144. In the general election on November 3, 1942, Warren led Olson by 340,000 votes. Lieutenant Governor Patterson lost by 13,000 votes to his Republican opponent, Assemblyman Frederick F. Houser, and Paul Peek lost out as Secretary of State by only 6,400 votes to Frank M. Jordan. In the general election campaign, the

Party's billboards first carried the names of all four state-wide Democratic candidates. Fortunately for me, Olson was unhappy about this. He could not bear having me on the boards with him. The result was that the boards were repapered and only carried Olson's name. Poor Patterson and Peek were left high and dry. They were running on a slate but the head of the slate would not carry anyone with him.

I was lucky in being able to run an independent campaign. My primary showing had brought me the financial support that always comes to a candidate likely to win. In addition, I had my Aunt May's $25,000 to spend on the race. I later tried to get an income tax deduction for this expenditure, but was turned down when the U. S. Supreme Court decided five to four against my position on a similar question raised that year by a Pennsylvania candidate who had also paid his own way (323 U.S. 57).

On August 10, 1942, an editorial in the Sacramento Bee summarized the radical charges being circulated against me and said I should answer them. My answer on August 14 follows:

"I did vote against the bill outlawing the Communist Party, but my opponents tell only half the truth when they fail to point out that the State Supreme Court has unanimously agreed with me that our constitution does not permit such a measure.

"I did vote against AB 721, the Tenney Subversive Organization Registration Act. While this bill has not been reviewed by the Supreme Court, its constitutionality was questioned in an opinion of the legislative counsel which may be found at page 1032, Senate Journal, 1941

session.

"I did vote against SB 180, the State Anti-sabotage Law, but only after the Senate rejected amendments offered by me to make the bill constitutional. These amendments were later adopted by the Assembly and concurred in unanimously by the Senate.

"It is true that I acted without fee as counsel for the Communist, William Schneiderman. What my opponents deliberately omit to state is that Wendell Willkie took over the case, also without fee, and argued it recently before the United States Supreme Court where it is still pending. Willkie has stated that he felt as I did, that this was a vital test case that might affect the constitutional rights of every naturalized citizen, regardless of political belief.

"My attitude on the Hot Cargo bill and the Bridges case are well known. These are controversies which have been recognized by leaders from all sides as splitting our forces. Such controversies are peace time luxuries. We cannot afford them now. What I have been seeking since December 7th, and for a long time before, is a united citizenry, wise enough to join hands in winning the war, and courageous enough to forego internal disputes for its duration.

"This is a total war. And that means we must use the total forces of all of us, even of those with whom we might disagree. Farmers, laborers, capital, management, all of them know that unless we win the war, internal differences would be swallowed in the greatest defeat which humanity has ever known.

"In closing, may I point out that my opponenets in the same breath that they are denouncing me as a dangerous radical also are trying to make political capital with other elements by pointing out that I was the Southern California chairman of the campaign against Ham and Eggs and that I crossed party lines to endorse Earl Warren in his race for Attorney General four years ago.

"The Bee as an independent newspaper always has fought prejudice and privilege. I have tried to be equally independent in my own philosophy. I think you will probably find that we have both made the same kind of enemies."

With Ralph Ingersoll's consent, I paraphrased his "P. M." credo for my own during the campaign.

"I am against people who push other people around, whether they flourish abroad or in our own country. I am against fraud and deceit and cruelty and I like people who are kindly and honest and courageous. I respect intelligence, sound accomplishment, religious tolerance. I propose to crusade with those who seek constructively to improve the way men live together. I am an American and prefer democracy to any other principle of government. I am a Californian and I know that this State, given imagination and leadership, can do more than any other toward winning the peace."

U. S. Webb, who had been the Republican Attorney General of the State for 36 years, spoke in my behalf over the State N. B. C. network on August 23.

After the final election returns were in, Herbert L. "Pete" Phillips, political editor of the Sacramento Bee, had this to say on November 11, 1942:

"Robert Walker Kenny, California's Attorney General elect, finds himself, as a result of the November 3rd elections, just about top man among the State's 1942 Democrats.

"Democratic Governor Culbert L. Olson was turned down for re-election. Lieutenant Governor Ellis E. Patterson and Secretary of State Paul Peek, also running behind their Republican opponents, had nothing left this week but faint hopes they might gain ground in the official canvass of votes and somehow save their jobs. It seemed unlikely. Meantime, Kenny continued to lead his GOP rival for Attorney General, Wallace L. Ware, by 140,000 to 150,000 votes.

"Kenny climaxed his varied career with this clear cut Democratic victory, in an election where Democratic triumphs were scarce, after a series of odd campaigning maneuvers which had his political colleagues dizzy during most of the spring and summer months.

"But first a word about Bob Kenny: At 40, he has been a newspaper reporter, a foreign correspondent, a lawyer, a judge, and, since 1938, the State Senator from Los Angeles County. First and foremost, he is a personality boy. He can get along with people. He can be a Merry Andrew and wise-cracker if that is what the crowd wants. In other company, he can be, compared with most of his political brethren, old Joe Culture himself. On top of that, he has a cool head and a sense of humor.

"Kenny's political enemies say he uses his cool head as expediency dictates to advance the cause of little Robert. Kenny's friends, however, swear by him. And all hands seem agreed that, politically speaking. he is a very shrewd hombre.

"A native son, who has lived in both ends of California, Kenny first showed up around the California Legislature in the 1920's as a deputy Los Angeles County counsel, lawyer-advocate for legislation in which his county was interested. Then Governor Jim Rolph appointed him a Los Angeles municipal judge in 1931. In a couple of years he became a superior judge, the youngest on the Los Angeles bench.

"In 1938, when Democrat Culbert Olson relinquished the State senatorship of Los Angeles County to win the governorship, Democrat Kenny ran for Senator and also won.

"In fact, Kenny was one of Olson's campaign managers and his floor leader in the 1939 Senate. Their political partnership blew up in personal disagreements shortly thereafter.

"Which brings us down to early 1942, with Senator Kenny announcing himself as a candidate for governor against Olson. About that time, Republican Attorney General Earl Warren, a good friend of Democrat Kenny's incidentally, also announced for governor. The politicos figured Kenny a cinch to switch to the job Warren was giving up, but this Kenny denied emphatically and indignantly. To preach a doctrine of California wartime unity, said Kenny, he intended to remain in the governorship race to the finish.

"To the surprise and consternation of a number of other politicians, however, Kenny suddenly changed his mind and came out, as had been predicted, for attorney general -- with the smoothly aligned support of the Democratic machine leaders and the ranking officials of both branches of organized labor. And he had some substantial GOP backing, too. His maneuver threw the plans of a number of other Democratic contenders into complete panic. Some of the Olsonites, indeed, made no secret of their fears the Senator might endorse his friend, Republican Warren, before he got through.

"But after he and Olson were nominated at the primary, Kenny helped to draft the Democratic platform and became one of the party ticket. At the same time, though, there were plenty of independent Kenny campaigners out beating the bushes for votes who had no interest in Olson's cause.

"Before general election day rolled around, Kenny had behind him such widely differing figures as former GOP Attorney General U. S. Webb, CIO boss Harry Bridges, Democratic State Chairman Bill Malone, former Old Guard Republican Senator Ralph Clock of Long Beach, Ed Vandeleur of the California State Federation of Labor and former Republican State Chairman Francis Keesling.

"Wallace Ware, the Republican nominee for attorney general, turned loose a veritable barrage of radicalism charges against Kenny. With Kenny denying the charges, Ware made a lot of statements in which the term Communism frequently occurred and tried to prove the Senator

had been playing around with the left wingers. Kenny's friends undertook to prove the contrary. Kenny's background (Stanford, 1920, etc.) made the charges of candidate Ware just too ridiculous, they maintained. The argument, in effect, seemed to include the premise that loyalty to the Stanford Red was entirely inconsistent with devotion to the Moscow Red.

"Finally victorious, Attorney General Elect Kenny this week deplored the injection of 'insinuations' and distasteful issues' in the campaign and expressed the hope all that sort of thing will be forgotten in Democratic-Republican unity to forward California's part in the war effort.

"Kenny appears to have emerged from the campaign in this enviable position: the left wingers evidently think he is not nearly so conservative as his conservative friends believe he is, while the conservatives consider him much less liberal than the left wingers possibly hope he is. Which, after all, is just about the public impression which most politicians are striving persistently to create."

Just before the election, I represented Assemblyman Cecil King before the State Supreme Court. A trial judge in Los Angeles had invalidated a special election called to fill the unexpired term of the late Rep. Lee Geyer. I was successful in obtaining a reversal of this decision (Sloan v Donoghue 20 Cal. 2d 607). The special election was then held and King was elected. This gave him a few months seniority over the other new congressmen elected in November, 1942. Today, King's seniority puts him at the top of the California delegation, with the exception of its dean, Rep. Harry Sheppherd.

After the election, Sara and I went by train to New York City. We planned to spend some weeks there with Stewart McKee, taking in the shows. However, the day after my arrival, I came down with a temperature of 105, resulting from a prostate infection. Fortunately, one of my closest friends in New York City was Dr. George W. Fish, a genito-urinary specialist, the son of Dr. Charles W. Fish of Los Angeles who had brought me into the world. Dr. Fish took excellent care of me and I soon recovered. In late December, I returned to California to take up my duties as Attorney General.

CHAPTER TWENTY-THREE

1943 - FIRST YEAR AS ATTORNEY GENERAL

On December 24, 1943, Sara and I moved into the Huntington Apartments in San Francisco. This was to be our home for the next four years. During the ensuing week, I had lunch there with Earl Warren. He was most gracious and explained to me the capabilities and assignments of the various members of the staff. Although there was no civil service then for the office of the attorney general, I reappointed all of Warren's deputies. Earlier in December, to effect the transition, Warren had appointed three men designated by me. They were C. Elsworth "Dick" Wylie, my San Francisco campaign director who was to be in charge of public relations for the attorney general's office, Clarence Linn, attorney for the Federal Social Security Agency, and Stewart P. Walsh who was to become my economic adviser. Since most of the wartime problems then confronting the attorney general would be of an economic nature as well as legal, I wanted very much to have Walsh with me, helping in the same way that he had helped during the Kenny-Phillips committee hearings.

On the afternoon of Sunday, January 3, Earl Warren picked me up at the Huntington and we drove together to Sacramento, where we were both to be sworn in on the following day. During this ride, Warren told me that none of the old Merriam office-holders could expect to make a come-back in his administration. They never did. Warren's appointments to his cabinet were uniformly excellent without any traceable adhesions to the stand-pat regime that had gone out when the Democrats

took over in 1939.

I had no chief deputy for the first year I served as Attorney General. William Sweigert had served in that post for Earl Warren, and I invited him to keep that position under me. However, Earl Warren took Sweigert with him to the Governor's office. It was then apparent to me that if I acted as my own chief deputy, I would learn much more quickly how to function as Attorney General, and know what was actually going on in the office. After I spent a few days on the job, I found that Charles W. Johnson was the bright young man there. Johnson had been assistant to Robert Harrison before the latter had retired as Chief Deputy Attorney General. Charlie knew all the ropes and could work miracles in cutting through State administration red tape. However, Charlie was the youngest man on the staff. I created the title of Supervising Deputy and put Charlie in that post. This was a semantic solution to the feelings of the older men. In 1944 Johnson moved to Sacramento to be at the center of the administration of the new Department of Justice. Hartwell Linney was head of the tax department and in 1944 I made him Chief Deputy, appointing Adrian Kragen head of the tax department.

On January 21, 1943, Sara and I attended a banquet in our honor at Sacramento. The affair was arranged by State Senator John Harold Swan of Sacramento. The speaker of the evening was Supreme Court Justice Jesse W. Carter, my former associate in the State Senate. The war was uppermost in our minds then and the battle of Stalingrad had just been won. In my speech I warned of the compromisers and appeasers who

would reappear as soon as victory had been achieved. I said that the kind of peace offered by such appeasers would be only an "ersatz" peace and that a close examination of such proposals would uncover the same economic, political and international ingredients which had given us the present war. "A lot of those pre-war conditions brought plenty to a few powerful people. Many of them are not willing to give up those conditions. They would like to keep them, and they will try to palm them off on a war-weary country." I spoke against the anti-Japanese resolutions then being introduced by some members of the Legislature. I said that these resolutions were intended to "create economic differences in American citizens on the basis of the difference in racial antecedents," and helped to spread the Nazi propaganda of hate.

My former law partner, Morris E. Cohn, had helped me draft this first speech as Attorney General. He also helped me with most of my other speeches during that period.

At the end of January, 1943, I went to Baltimore to attend a meeting of the Council of State Governments. Francis Biddle, then Attorney General of the United States, was at this meeting. From Baltimore, Biddle and I took the train to Washington. The first night I was in the Capitol, I attended a small stag dinner given for me by Judge Justin Miller of the Court of Appeals for the District of Columbia. Judge Miller had once been dean of USC law school, and I had served with him on L. A. Bar Association committees on the Juvenile Court. At Judge Miller's invitation, many prominent New Dealers came to this dinner. They

included Biddle, Associate Justice Wylie Rutledge of the Supreme Court, Reps. Estes Kefauver of Tennessee and Will Rogers Jr. of California, Senator James Meade of New York, and several Washington newspapermen. Since I was a Democrat who had proved he could swim against the stream in 1942, some of the guests wanted to know how I had done it. I told them about the Kenny-Phillips committee and our efforts to make all groups in California feel that we cared about their wartime problems.

I was to attend a Bar luncheon in Los Angeles on February 2, but my plane was grounded in Texas. Superior Judge Ed Bishop made an amusing address in my stead and everyone was satisfied with the improvement in the program. That evening, at a dinner of the Los Angeles Chapter of the National Lawyers Guild, I spoke of the cooperative spirit that had appeared among the United Nations allies:

"It is a wonderful and inspiring thing to see the promise of all hands, the white, the brown, the yellow and the black joined in the struggle to achieve unconditional surrender of the Axis; it will be even more inspiring to hear at the peace tables the many tongues of the United States, the Russians, the Asiatics, and the South Americans raised in formulating the plans for peace and a post-war world."

At this time, the Los Angeles Bar Association still barred Negroes from membership. In my speech to the Guild, I said:

"It seems to me it is about time to cut out this nonsense of color barriers to professional organizations. We cannot tolerate anything which eliminates some of our brothers at the Bar. Unless we remedy this

situation we don't come into court with clean hands."

It was not until eight years later that this color bar was removed by the Los Angeles Bar Association. Dan Marshall led the fight to repeal it. In 1946, a repeal proposal went to a plebiscite of the membership but was voted down. One of the prominent lawyers who joined Dan Marshall in seeking repeal was James C. Sheppard. However, most of the leading lawers of the city were listed as opposed. Another plebiscite took place in 1950. At this time the Bar had finally come to its senses and the racial restriction was at last removed.

In San Francisco, I arranged to meet with Lt. Gen. J. L. DeWitt, the author of the order excluding from the West Coast persons of Japanese descent, regardless of citizenship. There were many matters of overlapping civil and military jurisdiction to be discussed. I was driven out to the Presidio in the State's black Cadillac limousine. We were stopped by a sentry. The investigator driving the State car said, "General Kenny to see General DeWitt." The sentry looked in and saw a fat little civilian. He said, "That's not General Kenny. Kenny is in Australia." And so he was. Lt. Gen. George C. Kenny was then commanding our air forces in the Southwest Pacific.

Thereafter, I took all steps possible to discourage the practice of addressing the State Attorney General as "General." I felt that military titles should be reserved for military men. When asked whether I wanted to be called Senator, or Judge, or General, I replied that I hoped that I could work myself up in popular esteem to a point where I was called "Bob."

On March 19, I attended my first state sheriff's convention in Sacramento. During Warren's administration as Attorney General, he had divided the state into five zones of District Attorneys. In this way, he could meet with the district attorneys of the state four times a year at quarterly zone meetings and then meet with all of them at their annual statewide convention. It was an excellent way of promoting inter-county cooperation. At the sheriffs' convention I suggested that the Sheriffs of the 58 counties be also divided into five zones. The proposal was accepted enthusiastically. The zone meetings provided means of raising the level of law enforcement throughout the state. The sheriffs were able to compare their techniques and to fashion standards that would have been impossible if they had each remained in isolation. In 1944, the police chiefs were also divided into zones. This innovation kept me crisscrossing the state in attending these zone meetings during my term of office.

During March, 1943, Frank C. Walker, Postmaster General of the United States, came to San Francisco. Walker was a close friend of President Roosevelt. I told him about our California system of coordinating local functions and urged him to suggest to Washington a similar coordination of state and federal functions. I told Walker of my experiences in trying to put to work the large amount of farm equipment which had been standing idle ever since its Japanese owners had been removed under General DeWitt's order. Such machinery was in scarce supply, but it had been gathering rust because Washington couldn't decide on how it could be requisitioned. Weeks had gone by after I had convinced the

regional attorney of the War Production Board that such a requisition could be made. He had discovered that he could not act until a request for such a requisition had been made by the Secretary of Agriculture in Washington. I had then written to the Secretary of Agriculture, and finally obtained his consent to send this request to the W. P. B. in Washington. Then the W. P. B. gave its directive to its regional attorney, the official with whom we had originally started out. There had simply been no way to clear this at the regional level.

On March 20, I furnished Walker with a copy of the final report of the State Senate Economic Planning Committee, saying:

"We badly need an informal but effective means of getting federal agencies together at the regional level where they can gear in with established state-administered state functions.

"We need someone here at San Francisco, for example, who can be an unofficial coordinator, to whom any federal agency can turn for help in clearing up inter-agency difficulties, to whom any department of state government can turn for proper liaison with federal agencies, and through whom inter-agency problems can, when necessary, be referred to Washington for prompt attention."

The Postmaster General was interested in the idea. Two months later, when I was in Washington, Walker asked me to come to his office and then took me to meet President Roosevelt. It was the only personal meeting I ever had with FDR. I wanted to devote the allotted 15 minutes to discussing my plan for federal-state coordination on the West Coast. The

President preferred a more informal conversation. He first asked me what kind of a fellow our new governor, Earl Warren, was. I told him, "Mr. President, I'm just a California booster at heart. Everything we have in California is better than it is anywhere else. Even our Republicans are better than the Republicans anywhere else."

I made many trips to Washington during my first year as Attorney General. The fact that I was the only elected Democrat holding statewide office in California opened many doors for me in the Capitol. I used this opportunity to appear before various federal agencies in an effort to break some of the bottlenecks hampering California's war production.

On one occasion I went to the White House at the request of the Los Angeles Chamber of Commerce. The importation of braceros, Mexican workers, had begun. The braceros were accustomed to eating tortillas made from white corn. However, the W. P. B. had ruled that white corn could no longer be used for human consumption. It was needed primarily then for the manufacture of alcohol used in munitions.

The braceros were rapidly losing confidence in the economy of a nation that could not afford a little white corn to make tortillas. Benjamin Cohen listened to my story at the White House. He nodded his head and then said, "Bob, what is a tortilla?" Using the jargon of that day, I explained that a tortilla was a "durable flapjack." In an hour or two the matter was straightened out and the white corn was on its way to the braceros.

I appeared before the Non-Industrial Facilities Committee of the W. P. B. to obtain approval for the completion of Friant-Kern Canal. If priorities were given to complete this job, additional acreage would be made available for production of agricultural products and a more intensive cultivation made possible of acreage already under production. I also sought the lifting of a stop-work order on a new bridge across the Feather River, since this bridge was of vital importance in trucking fruit to canneries in the vicinity of Sacramento.

On March 22, I issued an opinion that lost me a good many friends in the newspaper business. The newspaper lobby had gone to sleep during the 1935 Legislature when the Use-Tax Act was passed. An exemption for newspapers from sales taxes had been obtained by the lobby in 1933 but it had overlooked obtaining a similar exemption for newsprint paper stored or used within the State when the Use Tax was passed in 1935. In the 1937 Legislature they obtained the exemption and then argued that they were exempted from the payment of use taxes on their newsprint during the two year period prior to the repeal in August, 1937. Appellate Justice Ray Peters took the pains to come up to my office and tell me that I was being watched to see if I would chicken out on issuing an opinion holding the newspapers liable.

I accepted the challenge and issued the opinion on March 22 (1 Ops. AG 272). The newspapers had to pay a tax of $200,000.00. Fortunately, they were then enjoying a boom period and would otherwise have had to pay federal excess profits taxes amounting to about 90% of that which I

had compelled them to pay to the State. However, John Long, Secretary of the California Newspaper Publishers Association, felt that his old friend Kenny had really stabbed him in the back. The fact that the stab was only a pin prick made no difference.

On May 13, 1943, I appointed J. H. Clelland, former Long Beach chief of police, to be the chief of the Department of Investigation. Joe Clelland was well known throughout the state for his progressive record as an honest cop. Oscar Jahnsen had held this job under Earl Warren and also during the first four months of my administration. He had just joined the United States Coast Guard, creating this vacancy.

On April 14, 1943, I went to Santa Fe, New Mexico to meet the representatives of other Colorado River basin states to consider the newly-proposed water treaty between the United States and Mexico. This treaty would annually remove one million acre feet from the Colorado River and give it to the cotton growing area of Lower California. In return, the treaty proposed to take a million acre feet of Rio Grande water away from small farmers in Chihuahua and give it to the big citrus growers of Texas. Under the treaty, Mexico came out even, but California lost a million acre feet of water to Texas. In August, 1943, I called on Cordell Hull, Secretary of State, to complain about this proposed treaty. I argued that it had nothing to do with the Good Neighbor Policy, since Mexico just came out even. One of California's problems then was that Senator Tom Connally of Texas was chairman of the Foreign Affairs Committee of the Senate, where the treaty would go for approval. I finally persuaded the

Roosevelt administration not to send the treaty to the Senate for ratification until after the 1944 elections. However, the treaty was promptly ratified in 1945.

Prof. Max Radin came over from Berkeley one day in May, 1943 to introduce me to Langdon Post, Regional Chief of Federal Public Housing. Langdon and his wife, Miggs, became very close friends of ours during our stay in San Francisco. Max and Langdon asked me to accept the presidency of the California Planning and Housing Association, a citizens group organized to back up the work of the public housing administration. I accepted and served in that capacity for several years.

The work of our Economic Planning Committee for the establishment of nursery schools became the subject of legislative action in May, 1943. Proponents of these schools for the children of working mothers were successful in persuading the Legislature to appropriate $500,000 toward their establishment. Nursery schools remained on a temporary basis from year to year for the next fifteen years, but finally became a permanent part of the state school system.

The 1943 Legislature placed the employees of the Attorney General's office under Civil Service. I had promised this to Warren's deputies when I was a candidate. Governor Warren was dubious about the measure, since his experience had always been with non-civil service lawyers, both as District Attorney and Attorney General. I assured him from my own civil service experience in the County Counsel's office, that I was confident civil service worked just as well with lawyers as with any other

kind of public employee. Warren signed the bill and the office went under Civil Service beginning January 1, 1944.

Two of my early opinions drew statewide attention. I held that the small claims courts should be open to handle OPA price violations. It was important that speedy justice be available to tenants who were overcharged by landlords. The State Supreme Court later upheld this opinion. I also ruled that Filipinos were not aliens, but were American non-citizen nationals. This opinion was the subject of an O. W. I. broadcast to Southeast Asia.

Under my administration, the opinions of the Attorney General were first published for general distribution. I believe the fact that these opinions were published in book form and placed in all of the law libraries of the state was a good influence on their legal scholarship and literary quality.

Oregon Democrats invited me to come to Portland to speak to them on May 15, 1943. During this trip I made the friendship of many Democratic Party leaders in the Northwest. I made several other visits to the Northwest during my term. Curiously there is very little north-south cultural traffic between California and the Northwest. This may result from the way the wire services operate. News originating in the Northwest is never sent directly to California. Similarly news originating in California never reaches the Northwest directly. All news originating on the Pacific Coast is sent to a bureau in Kansas City or Chicago. If the wire editor there happens to think that the news is of sufficient importance

to concern the other half of the Pacific slope, it may be relayed back, but most of it dies back there. The result is that Californians know less about what goes on among our Pacific Coast neighbors than they know about the Middle West and the East. My trips to the Northwest made me a specialist on that region -- a terra-icognita to most California politicians.

On May 22, I issued an opinion that a third Ham and Eggs initiative petition was legally qualified to go on the 1944 ballot (1 Ops. AG 514). The Ham-and-Eggers had secured thousands of signatures in 1940 but they were insufficient to qualify the measure for the 1940 ballot. Eight percent of the vote last cast for governor must sign to qualify a petition. The vote for governor in 1942 was much less than in 1938, thus reducing the number of signatures required for initiative petitions to qualify. My opinion brought a roar of protest from the Chamber of Commerce groups who had associated with me in opposition to previous Ham-and-Eggs proposals. They appealed my opinion to the Supreme Court which ruled against me the following year (Gage v Jordan, 23 Cal. 2d 794). The third Ham-and-Eggs proposal never went to a popular vote.

While I was in Portland on my visit to the Oregon Democrats, I received a telegram from Los Angeles informing me that George W. Walker was dead. I immediately flew to Los Angeles to be with his daughter, Mrs. Evelyn Jarnigan, and his deceased wife's sister, Mrs. Hattie Malloy. Mr. Walker had appointed me co-executor of his estate with the Citizens National Bank of Los Angeles of which he was chairman of the board of directors at the time of his death. The estate ammounted

to over $8,000,000. As co-executor, I voted the Walker stock in the bank and in many other corporations. This probably gave credence to the ill-founded belief held by many that I was a man of wealth. I just represented wealth but did not possess it.

At that time the Walker stock constituted the balance of power in a struggle for control between the Transamerica forces under A. P. Giannini and the established management of the bank under the brothers H. D. and L. O. Ivey, president and vice president respectively. Just about the time of Mr. Walker's death, Transamerica had acquired twenty-five percent of the control of the bank. The Walker stock was pivotal on the issue of control. Mr. Walker had always been opposed to merging the bank into a larger concern and, consequently, during the ensuing eight years that I served as director of the bank, I always voted with the local management.

Mr. Giannini, however, had always been very friendly to me and had attended a San Francisco cocktail party in my honor when I was running for Attorney General. Through a clerical mix-up, I was not elected to the board of directors at the stockholders meeting in 1944. It was my first election loss. In my files there is a telegram from Mr. Giannini expressing sympathy about what happened in the bank election. In a few days this was cleared up when a vacancy occurred and I went on the bank board of directors. A few years later, my close friend Stewart McKee joined me on the board of directors of the Citizens bank. The Transamerica people had voted their stock to put him on the board.

Maury Maverick, former Texas congressman and mayor of San Antonio, had been a friend of mine since my visit to Washington for the National Lawyers Guild convention in 1937. President Roosevelt had given him a wartime job as head of the Governmental Requests Section of the W. P. B. Maverick was in charge of the priority requests of cities, counties and states. He performed this job masterfully.

By coincidence, his assistant in this work was Jim Bolger, who had been a newspaper reporter with me in Los Angeles, and later, a lawyer. Maverick and Bolger arranged for me to come to Omaha to speak to the convention of the National Association of County Officials. I appeared there on May 25, 1943 and delivered an address under the title "Declaration of Inter-Dependence." In it I said:

"We have seen, in the last decade, that no nation can ignore the events of any other nation without the greatest peril to itself. We have learned that complete independence, in a world made small by radio and air traffic, is myth loaded with dynamite. Each country is, as a matter of fact, linked to every other country. The only question is whether the linkage shall be steel, dynamite and destruction, or whether it shall be a common understanding, cooperation, and furtherance of peace.

"This is not less true in the relationships between the federal government and the local government. We must recognize and build our local governments on a theory of joint action toward a common goal.

"In the last quarter of the 18th century, the times demanded a Declaration of Independence. To serve the same ends today, I believe that Thomas Jefferson, if he were alive, would write a Declaration of Inter-Dependence."

Earl Warren had appointed me chairman of the California Commission on Inter-State Cooperation on March 10, 1943. This commission was one of 44 similar commissions set up in other states for the purpose of joint consideration of interlocking economic problems. Our concern then was particularly centered on post-war planning. The first 1943 meeting of the California Commission was held in San Francisco on June 5. I pointed out then that the West had achieved an industrial development in the previous eighteen months which would have taken two decades in normal times, and that the Pacific Coast states should jealously preserve their favorable economic conditions to make certain that they did not relapse after the war into helpless dependency upon the East.

I told the Commission that every effort should be made to assure California and the other Pacific states of fair access to basic patents which then were generally controlled by Eastern cartels:

"It would be little use to have a big steel mill in the West if we could not obtain the latest developments in electric blast furnaces to use in such a mill."

The matter of the seized German patents was then under current discussion. Senator Harley Kilgore of West Virginia had urged that the German patents be made available to all Americans, not merely the existing patent cartels. Kilgore made several visits to the Pacific Coast during my term as Attorney General and we became very good friends.

On June 13, at the President's Dinner of the California Housing and Planning Association in San Francisco, I spoke of the necessity of

planning for post-war employment:

"The war has brought a feeling of unity between Western communities, areas and states of which we may well take advantage. We all recognize that no city, or region, or state, or nation can solve its problems by itself, but we should also recognize that coordination begins with the smallest groups; it does not begin at the top. Right now, for instance, we are hoping that some of our wartime team work in California may spread to Washington, D. C. If we had waited for complete integration there before attempting it here, we'd have worked under a needless handicap."

The 1943 Legislature had created a new planning agency which it named the Reconstruction and Re-employment Commission. The Legislature had deliberately omitted the word "planning" from the title of this new agency. I told the banquet guests that it was too bad that the word "Planning" had been allowed to become so odious.

On June 14, at the request of Justice Homer Spence of the State Supreme Court, I made the Flag Day speech at Alameda, California. I took that occasion to speak of the broadening concept of democracy that had been brought about by the Fourteenth and Nineteenth Amendments:

"The Fourteenth Amendment said that all men, regardless of color or former servitude, were created equal. It said that America is more than a white republic; that it is a republic of all men, the black, the brown, and the red, as well as the white.

"It is an amazing thing to us less than a quarter of a century after

the Nineteenth Amendment, when we see women doing the work of men, and often doing it better, to think that until so recently most states denied women an active part in government. This was a quirk of history which long outlived the erroneous conception that had fostered it and the stifling traditions that had nourished it.

"Today, our flag which started as a symbol of a limited democracy, a democracy which was limited and qualified by concepts of creed and race and wealth and sex, today our flag is the symbol of a new democracy which truly means that all men -- and women -- are created equal. The meanings behind the symbol have expanded. They have grown with our ideas of democracy."

One other speech that I gave that month was before the 300 Negro prisoners in Folsom penitentiary, as part of an Emancipation Day program. The Warden had written that the Negro prisoners had specially asked for me as the speaker. I made sure this request had actually been made, because this was indeed a "captive" audience.

Trouble had been brewing in Los Angeles for over a year between the police and the Mexican-American minority group. The Sleepy Lagoon trial had taken place during 1942, when twenty-two Mexican-American boys were put on trial for murder before Judge Charles Fricke. A death had occurred in a gang fight in a Los Angeles area known as the Sleepy Lagoon, near Slauson and Atlantic Boulevards.

In the Fall of 1942, the Sleepy Lagoon Defense Committee was organized. Bob Morris, then an associate in my private law office, was elected

its treasurer. Twelve of the young Mexican-American boys were convicted and an appeal taken.

The trouble continued to spread. During the week of June 6, 1943 full scale rioting between Mexican-American boys and uniformed servicemen broke out.

Carey McWilliams called me from Los Angeles and told me how much more serious the situation was than appeared in the newspapers. These were the so-called "Zoot Suit riots." Many Mexican boys wore costumes of an exaggerated cut, called "zoot suits." Unfortunately such suits probably represented the boy's entire wardrobe. Many young servicemen, uncontrolled by the police, ran down these boys in downtown theatres and ripped the clothing from them.

Immediately after receiving the call from McWilliams, I drove from San Francisco to Sacramento to see Governor Warren. He had called in Ray Hays, a former state senator, who had become Adjutant General of the National Guard. I suggested that the Governor appoint a citizens committee in Los Angeles. The Governor asked if I had any nominees and I gave him the name of Joseph T. McGucken, then Auxiliary Bishop of the Roman Catholic Church in Los Angeles. McGucken's name had been suggested to me by McWilliams. I did not tell Governor Warren this, because Warren then only identified McWilliams as an Olson appointee who had earned the hatred of the Associated Farmers.

I proceeded to Los Angeles to meet with Bishop McGucken and his

committee, which included Dr. Willsie Martin, of the Wilshire Methodist Church, Karl Holton of the Youth Authority, Walter Gordon, of Berkeley, and Leo Carrillo, the actor. The committee's report stated on June 12, that it was "a mistake in fact and an aggravating practice to link the phrases 'zoot suit' with the report of a crime. Repeated reports of this character tend to inflame public opinion on false premises and excite further outbreaks." Our committee met with the publishers of the newspapers at a private luncheon and asked them to minimize the publicity on these disturbances. We also met with police administrators and asked them to cease the practices of mass arrests and dragnet raids on these boys.

The report also said: "It is significant that most of the persons mistreated during the recent incidents in Los Angeles were either persons of Mexican descent or Negroes. In undertaking to deal with the cause of these outbreaks, the existence of race prejudice cannot be ignored. Youth is particularly sensitive; to be rejected by the community may throw the youth upon evil companions. Any solution of the problems involved, among other things, is an educational program throughout the community designed to combat race prejudice in all its forms.":

I undertook to work on this community education program in relation to law enforcement agencies. The Governor appointed a Peace Officers Committee on Civil Disturbances, of which I was chairman. I retained Carey McWilliams to make a study of race relations and race riots, and to make recommendations to the peace officers of the state. This interim

report was published later in 1943, and was widely circulated throughout the state and nation, particularly when the zoot suit riots were followed by the riots in Detroit in June, 1943, with 34 fatalities, and the Harlem riot in August, 1943, with 5 deaths, 307 injured and destruction of $5,000,000 worth of property. For the balance of my term I was continually alerted to the explosive problem of race relations and riots. It was to be complicated by the return of the excluded Japanese-Americans in 1945.

Jack B. Tenney had succeeded me as State Senator for Los Angeles County. Our names sounded very much alike, and I always maintained that Jack was elected on the principle of Idem Sonans. In addition the L.A. Times had supported him against Joseph Crail, Jr. for the Republican nomination. When I was chairman of the Small Business Committee of the Senate, Tenney was conducting hearings of his state Un-American Activities Committee. A confused San Francisco newspaperman said "Oh, yes, you are Tenney of the Little Dies Committee." I denied it saying, "No, I'm Kenny of the little guys committee."

As soon as Bishop McGucken's committee had completed its good work and the rioting had disappeared from the headlines, Senator Tenney came into Los Angeles with his committee on June 21, 1943, for the announced purpose of determining if Communists had deliberately fostered the zoot suit riots. Tenney paid particular attention to the defense of the Sleepy Lagoon case and the activities of the National

Lawyers Guild in connection therewith. He announced the National Lawyers Guild was an effective communist front.

Tenney devoted space in his annual report to the Sleepy Lagoon case and the zoot suit riots. Throughout, he ignored the point of view expressed by the McGucken committee, and he also ignored the fact that the convictions in the Sleepy Lagoon case had been unanimously reversed by the appellate court on October 4, 1944 in an opinion written by Justice Thomas P. White. (People v Zammora, 66 C.A. 2d 166).

The zoot suit riot episode had serious repercussions on our relations in Latin America. On June 21, Mr. Nelson Rockefeller, Co-ordinator of Inter-American affairs, came to San Francisco. My friend Duncan Aikman was then his public information officer and arranged a meeting for me with Rockefeller. Mr. Rockefeller said that McGucken committee recommendations, if followed up, would help repair the damage done in Latin America by our careless police methods.

The Supreme Court supported my original stand in the William Schneiderman case, and restored his citizenship on June 21, 1943 (320 U.S. 118). Wendell Willkie had argued this case after I had lost in the trial and appellate courts.

On August 9, 1943, Sara broke a bottle of champagne on the hull of the S.S. George L. Kenny. This Liberty ship had been named after my grandfather, through the good offices of Mrs. Hal Rorke. Millie Rorke had an interesting job during the war with California Ship-building Corporation. One of her functions was to think up names for

the Liberty ships that were being turned out every week or so at the Long Beach yard. I never heard of the S.S. George Kenny after that day. It must be resting in mothballs somewhere.

In the summer of 1943 an army officer had been brought seriously wounded from the Pacific theatre to Letterman Hospital in the San Francisco Presidio. Upon his death, the newspapers printed the text of his will, which contained the simple request that his ashes be scattered by airplane over the Golden Gate. The next day I received a call from the lobbyist for the morticians. "You can't let them do this to us, Bob," he said, "You know, we have always supported you." I knew that I had received a campaign contribution from the morticians, but I never understood why. I asked my caller what it was that was being "done" to his group. He replied: "It's that cloud scatter over the Golden Gate. It's against the law." I inquired who had ever voted for such a damn fool law, and he informed me that I had, along with all the other members of the legislature in a recent session. I said I would call him back. After giving the matter some thought, I telephoned him, and said, "I think this is bad public relations for all of us. I am going to rule that your law is not effective in this particular instance, because the death occurred at the Presidio which is a federal enclave, where the state law does not apply." He seemed relieved at this "out" and I was very much relieved too.

Sheridan Downey was in San Francisco on August 17, 1943. He told me that he was worried about his prospects for election the following

year. He then surprised me by offering to withdraw in my favor if I entered the race. I was moved by his generosity and candor. On returning to my office, I immediately wrote and had delivered to the Senator a letter in which I thanked him for his past kindnesses to me and urged him to seek re-election. I promised to campaign in his behalf. Downey's people publicized my statement. Attorney J. Ray Files, veteran Los Angeles Democratic leader, was disappointed and wrote me on August 27, 1943 that there had been two meetings attended by five Los Angeles Democratic congressmen, the national committeewoman, Mrs. Helen Gahagan Douglas, the county chairman and others. He said:

" -- With perhaps one or two exceptions, I think the sentiment at both meetings was all but unanimous in the view that you should be in the race for the United States Senate. Such expressions were unique in that in almost every case they were not manifestations of anti-Downey sentiment. It was simply acceptance of the fact that we are up against a grim situation. I want to tell you as frankly as I can of the prevailing notion expressed by nearly every one to whom I have talked, both in these meetings and out of them. It was particularly true at the tea held last Sunday at the home of Miss Gahagan where nearly 2000 were present. The tea was sponsored by the Women's Democratic League."

I was naturally flattered and grateful for these expressions. However, if I had been elected to the U.S. Senate in 1944, it would have meant deserting the California Democrats at a crucial time. My election

as Attorney General had given the Democrats a tenuous toe-hold in Sacramento. Next to Governor, it was the most powerful office in the state. If I relinquished it, the party's chances would be greatly diminished for a come-back from the debacle of 1942.

My vacancy would be filled by the Republic Governor and the Republican would be restored to the complete stranglehold of State Government that had been their's until the Olson victory in 1938. The post of Attorney General was extremely important to local party-building. A U.S. Senator was 3,000 miles away and lacked influence on the local scene. Besides, I was optimistic about Senator Downey's re-election. The Democrats' grim experience of 1942 had occurred in an off-year election. In 1944, FDR's coat-tails would be once more available.

On October 1, as chairman of the California Commission of Interstate Cooperation, I presided over a two-day conference of the eleven western states held in San Francisco. The principal subjects for discussion were aids to business during conversion from war to peace-time production, taxation policies to build up reserves to meet the loss of high war-time tax revenues, a program to bring new industries to the West, and state aid to returning veterans. Among those who came were Allen Bible, then Attorney General of Nevada, Gail Ireland, Attorney General of Colorado, Grover Giles, Attorney General of Utah and many legislators and officials from the other Western states.

On October 29, I returned to the subject of post-war planning in a

speech entitled "Swords into Plowshares that Will Turn Up Jobs." I delivered to the California Housing and Planning Association dinner in Los Angeles. I said that "enterprise is not an exclusive attribute of private industry, though we have gotten into the habit of talking as if it were. There is enterprise in our federal government, and in our state and local governments too, available to meet the needs of our citizens in post-war days as well as now."

On Tuesday, November 2, the municipal election was held in San Francisco. Edmund G. "Pat" Brown was running again for District Attorney against Judge Matthew Brady who had served in that post for over twenty years. Four years previously, Brown had run against Brady and, to the surprise of everyone, came very close to beating him. This time Brown won. Brown had been very helpful to me in my campaign and I had done what I could to help him in his. In the week following the election, I invited Brown, then on his way to Southern California, to look in at a Sheriffs' Zone meeting which was being held at Bakersfield. I wanted him to become acquainted with the law enforcement officers of the state. After a stag banquet with the sheriffs, Pat was called on for a speech. He was still full of his victory over Brady and concentrated his speech on that fact. It was not greeted enthusiastically. Later he asked me what was wrong. I explained that those sheriffs represented political longevity, and most of them had been returned to office as many times as Matt Brady. "From now on, Pat," I told him, "you are a member of the incumbents protective association. The only speech you

make henceforth is the one entitled 'There is no substitute for experience'."

It was not long after Brady was out of office that he came to me for help. Although Brady had done thousands of favors for people during his years as District Attorney, there was no one to help him out with a job when he needed one.I put him on as a deputy attorney general, and assigned him to the tidelands matter. He was very happy. He said, "After practicing law forty years, I have finally struck oil." Brady was very popular with the other district attorneys of the state and helped me with zone meetings and conventions.

After a year or so, he ran for municipal judge and was elected. Every year after that at Christmas, I received a remembrance from Matt Brady. When he died in the middle 1950's, I was informed that he had left me $50 in his will. I picked up many a bar check on the strength of that $50 bequest, saying that "This one is on dear old Judge Brady." Then I received a letter from Judge Walter Carpeneti, executor of his estate. It acknowledged Judge Brady's bequest, but said unfortunately the estate had turned out to be insolvent and I would not receive the $50.

Arthur Ohnimus was a member of Brady's staff. He served many years as chief clerk of the Assembly when the legislature was in session, but earned his regular livelihood as a deputy district attorney of San Francisco. I appointed Arthur Ohnimus a deputy attorney general just in time to qualify him as a permanent civil servant. Wilkie Ogg, Sergeant at Arms of the Assembly was also only a part-time legislative employee. Before civil service took over, I was also able to blanket in

Wilkie as an investigator for the attorney general. Today the legislature provides year-around employment for its faithful attaches, but at that time subterfuges like this were necessary.

In November, 1943, I was in Washington as master of ceremonies of a National Lawyers Guild banquet in honor of James Lawrence Fly, chairman of the Federal Communications Commission. This was the first time I ever met Henry Wallace, who was to be on the program. I found that Wallace was one of the few men in public life who cannot think and talk at the same time. He was sitting alone at the head table when I came up and introduced myself. Most politicians would immediately employ their talents at small talk while trying to identify the person conversing with them. Not so, Henry Wallace. When I said, "I am Bob Kenny, the master of ceremonies here tonight," he remained silent. I could almost hear the wheels in his head going around. After a thirty second pause there was an almost audible click. "Oh," he said, "how are things in California?" He had finally placed me on one of those 3 x 5 cards that we politicians carry in our heads. It simply took Wallace longer to operate his card file system than it did most of us.

By November, 1943 most of the New Dealers had gotten over their fear of the National Lawyers Guild and there was a big turn-out for the dinner in honor of James Lawrence Fly. Wallace had just made his famous "Common Man" speech and in introducing him, I praised him for "finding the words and courage to say what the people deeply want

to hear. No other man has captured so well the hope of our century and put it into a call for real things to fight for."

On December 1, I sent a five-page memorandum to all the members of the attorney general's staff to assess the events of the first year of my administration. I opened by saying: "The ultimate goal for the attorney general's office is to make it truly a state department of justice, modeled as closely as possible on the functions of the Federal Department of Justice."

I had long believed that more of state government should be centralized in Sacramento in order to correct the trend towards decentralization and I took this occasion to announce that all replacements to the Attorney General's staff would be assigned first to the Sacramento office. I had recently made an address to the Exchange Club in September entitled "The People's Lawyer and His Job." I told the deputies that they were people's attorneys, too.

On December 13, 1943 I filed a complaint in the Superior Court charging the City of Los Angeles and nine other municipalities with creating a nuisance by illegal operation of the Hyperion Disposal Plant and its outfall in Santa Monica Bay. Six months previously, the State Board of Health had revoked the permit for further operation of this delapidated and obsolete plant. The beaches had also been ordered quarantined by the State Board of Health. Despite this, the cities stubbornly refused to do anything about their methods of sewage disposal. Bayard Rhone, a deputy attorney general in the Los Angeles office, worked with

the State Health Officer Wilton Halverson and ultimately an order was obtained from Superior Judge Joseph Vickers directing that the officials of the cities be jailed for contempt of court if they did not take immediate steps to install a new sewer outfall.

Inexplicably, Mayor Fletcher Bowron of Los Angeles flew into a rage when this suit was filed and charged that it was the act of "a politically minded attorney general." I made a statement attempting to mollify the Mayor. After a few months had gone by, the Mayor was ready to agree with me that the nuisance abatement action was a good thing, because it brought the matter to a head and compelled the doing of a job that simply had to be done.

A book entitled "Undercover" was published that year. It exposed the doings of the "right wing extremists" of that day. Its author, John Roy Carlson, came to California in December, 1943. I introduced him at well-attended meetings in both San Francisco and Los Angeles.

CRESCENDO - 1944

With the presidential elections in 1944 coming up, my non-partisanship began to disappear. On January 12, 1944, I spoke to the Hollywood Democratic Club, predecessor of the Hollywood Independent Citizens Committee of the Arts, Sciences and Professions (HICCASP). I reminded my hearers that the California Republicans had never come out openly under a party label, nor dared to combat the chief planks of the Democratic platform, even when they won in 1942.

"With the defeat of 1942 came Democratic disorganization, but not extinction. On the contrary, there is not one of us today that does not feel even more keenly the justice of our own political program. We must therefore, reassemble these political atoms and organize them into a functioning party. California is Democratic and can swing its twenty-five electoral votes in favor of a Democratic nominee, but this will require a moratorium on back fence arguments. We need harmony for this common task. A well organized Democratic Party in California must take leadership and bring into its organization all of the numerous one-man fractions and dissidents."

I reviewed the history of American political parties at the Stanford Law Association banquet at Palo Alto on March, 1944. I recited the benefits and lessons taught us by the development of the American party system and said that: "To carry with us those lessons when we go into the furor of name-calling and the sly news slanting of an election year is

to carry light into a growing darkness. It is as natural and American as Tom Paine and Sam Adams to have to cry of 'politics' thrown from all sides. It takes a level sense of perspective and humor to realize that we would not have it any other way if we could. We want no single party, even in time of war. In time of stress we welcome bi-partisanship and regular elections for what they may bring; criticism or confidence, each as it is deserved. Sensible Americans regardless of party, recognize that all this shouting, this criticism and condemnation, is American; it is the voice of the free citizenry expressing its political rights. If its voice has many tongues, so much the better."

On January 2-, I visited with Jackson Ralston at his home in Palo Alto. Judge Ralston then 86, was a distinguished American international lawyer. During his days as an attorney in Washington, the State of California had retained him to process its claim against the United States for the payment of $2,013,867.26, plus 80 years accrued interest. During the Civil War the federal troops in California were paid in green backs and California was on the gold standard. In 1862, Secretary of State Seward asked Governor Downey of California to help by making up the difference in pay between the value of the green backs and the value of gold. Although the federal government promised to repay the state after the Civil War, repayment was never accomplished. For decades bills were introduced in the Congress to accomplish this result. They passed the Senate, but always died in the House. Nevada had similar claims and was successful in getting them paid. However, our California House delegation could never bring this

about. The state contracted with private attorneys to push the bill through Congress. Their fees were contingent upon success.

I asked Judge Ralston to consider a new plan whereby the state might be paid. Under it, California, instead of insisting on payment in cash, would take payment in war surplus materials. Judge Ralston was agreeable, and state legislation to permit it was passed. However, after I left office, California reverted to its old demand for payment in cash. The matter was finally decided by the Court of Claims in 1954. California was only awarded $8,985.15 without interest (119 Fed. Supp 174).

On February 4, 1944 Vice President Wallace visited California on a speaking tour. He was met in Los Angeles by former Governor Culbert L. Olson. When he came to San Francisco two days later, I met him and attended several occasions with him. While waiting for Wallace to complete a speech at the Palace Hotel in San Francisco, State Senator Jack Shelley and I met a disabled sailor from a Naval hospital. He was a pleasant fellow. Jack and I invited him to ride around with us and the Vice President the rest of the day. With Wallace in the back seat, out sailor guest turned around and said, "Mr. Vice President, you ought to be able to use your influence in my behalf. I would like to get out of this Navy hospital I am now in." Wallace was attentive. "Can't you fix it so I can get into a hospital with a bunch of wounded WACs?" Wallace grinned. Our party attended the opening ceremonies at an Army hospital in Oakland. We took the sailor right up to the speaker's stand. The Army brass thought our sailor friend must be some close relative of the Vice President. We explained that he was

not, that he had just been designated the "common man" for that particular day. I wonder if the sailor has ever been able to get anyone to believe his story to this day.

It was during Wallace's visit that the California Democratic slate was picked for the Roosevelt presidential primary delegation. This was done at my office in Los Angeles. Bill Malone came from the North with a slate to which everyone in his area was agreeable. However, Culbert Olson, still the National Committeeman, attempted to dictate the composition of the Los Angeles delegation. It was a repetition of the situation that had occurred in 1940. Only this time, I was the chairman and Olson was in the audience. Olson was convinced that we treated him unfairly in making the final selection. Sentiment for Wallace's renomination was growing among the liberal forces in California. I had taken the public position that we should wait until word was received from President Roosevelt before committing the California delegation to any candidate for Vice President. Olson disagreed and started a drive to pledge for Wallace as many delegates as he could.

I spent the first two weeks of March, 1944, in Washington. While there I invited Speaker Sam Rayburn to come to California to be the featured speaker at the Jackson Day banquet in San Francisco. The Speaker was also a possible candidate for Vice President.

On my return trip, I stopped in Chicago on March 21 and 22, to attend a meeting on race relations and law enforcement held by the American Council on Race Relations. Law enforcement officials from many parts of

the country were there to discuss the threatening prospect of racial disturbances. Upon my return to California, I secured the services of Robert B. Powers, former chief of police of Bakersfield. Powers, a sensitive and intelligent man, became my coordinator of law enforcement agencies. He could talk like a policeman to the cops and he like a social worker to the social workers and thus perform an extremely valuable liaison service.

The annual sheriffs' convention at Fresno on March 24, 1944 furnished me an occasion to come out publicly in favor of stricter regulation of the importation of "war souvenirs." On March 8, an Emeryville policeman had been murdered by bandits armed with an Army issued Thompson submachine gun imported from the Pacific theatre. My speech was immediately seized upon by the selfish propaganda interests serving the small arms manufacturers. This is the group that would like to return, if possible, to the unregulated sale of pistols by mail order. The National Rifle Association started beating the drums against me. Editorials appeared suggesting that my proposal interferred with the constitutional right to bear arms, and was probably communist inspired. Most of the letters came from so-called sportsmen.

Since the sportsmen had such a big vested interest on their side, I looked around for help. I decided it would most likely come from the insurance carriers who paid the losses on burglary insurance. Leland Cutler, San Francisco vice president of the Fidelity and Deposit Company of Maryland, arranged the proper introductions for me. I met in New York with the group that called itself "The Burglars." These were the underwriters who fixed the rates on burglary policies of the various carriers.

These gentlemen told me that it was their experience that crime certainly did pay, and that the machine guns and bazooka rockets that were being brought back as souvenirs would enable the criminal element to make many a rich haul. The lobbyists for the insurance carriers proceeded to help me in Washington. In a few months we obtained a tightening of regulations by all of the armed services against the importation of these lethal 'souvenirs' into the United States.

In February, 1944, I retained Professor Max Radin to represent the State of California before the United States Supreme Court in the case of Flournoy v Wiener, (321 U.S. 253). This Louisiana case would have taken away the income tax advantage enjoyed by married couples in community property, such as California. Max made a splendid argument to the Court upon the social benefits conferred on women by the community property system. The case was not decided on its merits, and a few years later, Congress adopted the marital deduction allowance which conferred all states, the tax benefits previously enjoyed only by spouses in community property states.

I found several other opportunities during my term of office to use Max's brilliant mind in behalf of the State of California. He was special counsel for the state in Speegle V Board of Fire Underwriters, (29 Cal. 34), which reversed previous holdings and established that California's anti-monopoly act, the Cartwright Act of 1907, was constitutional.

Sam Rayburn came to the Jackson Day dinner at the Palace Hotel in San Francisco held on March 30. Senator Harry Truman was in town then

with his investigating committee, and they were also guests at the dinner. A photograph taken at this affair shows Rayburn in the center, with me next to him, and Bill Malone, State Chairman on the other side. Senator Truman's seat was considerably removed from that of the guest of honor. In another year, he was President of the United States.

At the request of Grover Giles, the Democratic Attorney General of Utah, I went to Salt Lake City on April 29, to speak to the Utah State Democratic convention. I told the Utah Democrats that it was up to our party to show that we meant the things that we said we were fighting for:

"We must cut through obstructionism and give usable democratic rights to all minorities and to all racial groups. We must oppose unwarranted attacks on labor, and we must start unravelling the repressive laws which a congressional majority mistakenly thought was necessary to keep labor in line during the war. We must recognize that free enterprise means a real opportunity for every man to venture economically among the giants of today; that free enterprise is the economic equivalent of political democracy."

I spent the first two weeks of May in Washington. Returning West, I stopped over in Dallas, at the request of Tom C. Clark, then Assistant Attorney General under Biddle. Tom told me he was then thinking of returning to private law practice. He asked me as a favor to stop off in Dallas to speak with Herman Brown, a wealthy Texan who was interested in bidding on the properties of the Pacific States Building and Loan Association then under liquidation in California. I was happy to oblige Clark. He had

given a cocktail party in my honor when I first came to Washington as Attorney General. Rep. Lyndon Johnson was one of his guests on that occasion. I stopped over night in Dallas and had breakfast with Mr. Brown. Nothing ever came of the Brown bid, because inflation in California carried the prices of the Pacific States property far beyond any modest Texas ideas of property values.

The California state primary and presidential primary was held on May 16, 1944. State Senator Jack B. Tenney ran against Sheridan Downey for the Democratic nomination as United States Senator but finished fourth in the Democratic primary behind Downey and two Republican cross-filing candidates. Tenney received only 40,859 votes to Downey's 510,069. I am sure he must have thought that the Democratic party was another communist plot. A few years later he changed his registration to Republican. In 1954, he vanished from state politics when he lost the Republican nomination for Los Angeles State Senator to Mrs. Mildred Younger.

In the 15th Congressional District the Democratic incumbent, John M. Costello, had become violently opposed to President Roosevelt. He was defeated in the Democratic primary by Hal Styles, a radio emcee, who had been selected by the Hollywood Democratic Committee. Costello was nominated by the Republicans but was disqualified under California law because of his failure to obtain the nomination of his own party. The Republicans nominated Supervisor Gordon McDonough to take his place. In the general election campaign the Democrats were shocked to learn that Hal Styles, their candidate, had been convicted of criminal charges in

connection with Ku Klux Klan activities in the East. McDonough won by 27,000 votes and served in Congress until 1962, when his district was reapportioned into a Democratic district.

Congressman Tom Ford retired that year and Mrs. Helen Gahagan Douglas received the Democratic nomination to his seat in the 14th District. She was elected in November.

Ellis Patterson, who had been out of office since the 1942 Republican landslide, received the Democratic nomination in the 16th District and was also elected in November. This position had been vacated by Rep. Will Rogers, Jr. when he joined the Army in 1943.

There was no opposition to the Roosevelt slate in the presidential primary. The Republicans also elected an unopposed slate pledged to Earl Warren as a "favorite son."

Two weeks after the primary, the Democratic National Chairman, Robert Hannegan, came to California. I accompanied him on a trip to Reno to meet with the Nevada Democrats and then to Seattle for a similar purpose. In my remarks at the Democratic banquet in Seattle, I commented upon the mysterious new project at Hanford, Washington. We later learned was a part of the atomic bomb project, but at that time its purpose was still a mystery. I offered the suggestion that night that the Republicans had erected it for the purpose of putting mustaches on old Willkie buttons.

The newly-elected Democratic delegation to the national convention met in Monterey on June 17, 1944 to elect a chairman and make plans for the trip to Chicago. I was nominated for chairman and former Governor Olson

rose to speak against my selection. He accused me of lacking loyalty to President Roosevelt, to the New Deal and to the Democratic Party. He said: "When the communists flopped over and called us war-mongers, Kenny was closely associated with them and was, in fact as much at home in a communist faction meeting as in a Republican huddle." When, despite this, I was elected and took the gavel I replied, saying, "Ladies and Gentlemen. You have just heard the swan song of a lame duck."

In Los Angeles on June 20, I met with Chancellor Rufus von Kleinschmidt of USC and others to plan a Juvenile Control Institute. Preliminary studies for such an institute for the training of juvenile officers had been made by Deputy Chief Ervis Lester of the Los Angeles Police Department. It seemed to me that one good way to attack the juvenile delinquency problem was to improve the skills of the officers assigned to the juvenile detail in the various police and sheriff's departments of the state. The Juvenile Control Institute was set up at USC to take eighteen picked officers each semester and acquaint them with available community resources and with some of the academic considerations of the problems facing them in the field. Later that year I was able to persuade the Hollywood Race Track to donate $75,000 towards the project. I had already obtained a pledge of $25,000 from the Columbia Foundation in San Francisco, provided matching funds were produced. The Juvenile Control Institute graduated hundreds of specially trained officers during the ensuing years.

In San Francisco on June 22, I spoke at the banquet of Council of American Soviet Friendship, saying, "American scientists, musicians and

dramatists join with the common man in looking with justified expectation toward closer cultural relations between our peoples. Few countries have contributed so greatly to the learning and culture of the world as has Russia in the past few decades, despite the war. Tons of propaganda notwithstanding, reams of slander, and hours of radio libel, the cold fact remains -- the Red Army has hurled back the damned Fascists, hurled them back and humiliated them and saved, not themselves alone, but America and the world from horrible disaster."

There was a federal judicial conference in San Francisco in June, attended by Supreme Court Justice William O. Douglas. The local Democrats gave him a stag dinner at the Palace, at which Max Radin made a brilliant, humorous speech.

I had been in touch with Eliot Janeway, the political analyst for a national magazine. Janeway and Attorney Thomas Corcoran of Washington were trying to put together a Douglas for Vice-President movement. I joined in their plans and prepared a nomination speech for Douglas which I took with me to the Chicago convention.

The California delegation was still awaiting word from Franklin Roosevelt on his choice for the vice presidential nomination. No word came.

On July 17, the California delegation took special trains to Chicago. The Southern delegation train hooked on to the Northern delegation's train at Ogden, Utah. Aboard the train were District Attorney Pat Brown of San Francisco, State Senator Jack Shelley, Rep. George Outland, of Santa

Barbara and many other prominent Democrats. However, the delegate who attracted the most attention was Albert Chow of San Francisco. "The Mayor of Chinatown." He was the first Chinese-American delegate ever to appear at a national convention. He drew more attention than the motion picture stars who came along on this journey.

Upon arrival in Chicago, Culbert Olson, who was still the National Committeeman and Helen Gahaghan Douglas, the National Committeewoman, introduced a resolution to have the California delegation go on record in favor of Wallace. The delegation did so by a voice vote at the first caucus.

Up until this time, the only word from President Roosevelt relative to the vice presidency had been "If I were a delegate, I would vote for Henry Wallace." After the convention got under way, the President passed through Chicago on a special train. Bob Hannegan, the National Chairman, visited him and returned with a letter from the President which said, in effect, that in addition to Henry Wallace, both Bill Douglas and Harry Truman would be acceptable to him. Hannegan immediately spread the word of the President's action, but with the emphasis on Harry Truman. I met with a caucus of Douglas supporters at the Blackstone Hotel. Those present included Secretary of Interior Ickes and Attorney General Biddle. We agreed that if there was a deadlock in the balloting between Wallace and Truman, I would rise and put Douglas in nomination. Of course, such a deadlock never came.

There were two ballots for the vice presidential nomination on July 21, 1944. On both ballots, the California delegation split identically, each

time giving Wallace 30 votes and Truman 22. The totals of the first ballot were Wallace 429-1/2, Truman 319-1/2, Scattering, 394. Wallace was 160 votes short of the nomination.

During the roll call on the second ballot, votes started changing all over the floor from the "favorite son" candidates to Truman. When this steamroller was going full speed, Secretary Ickes asked me to throw myself in its path with a motion to adjourn the convention until the following day. It would have been impossible to gain recognition from the chair at this hectic moment.

Truman soon obtained the 589 votes necessary for the nomination. Ten California delegates stayed with Wallace to the end and voted against a motion to make Truman's nomination unanimous.

Months later, I mailed the undelivered nominating speech to Justice Douglas as a political curiosity.

In September, 1944, I had lunch with Tommy Corcoran in Washington. He thanked me for my readiness to help in the abortive move for Douglas. In the course of the lunch he told me his version of the events and particularly of the President's attitude towards the vice presidency. According to Corcoran, it was only a few months after Wallace had become Vice President that Roosevelt started to regret having selected him in 1940. Roosevelt's idea of the perfect vice president was one who would be the lobbyist for the administration in the Senate. Garner had performed that role very well.

Roosevelt's comment on Wallace was that "Here I get him elected to the most exclusive club in the United States and after three years there, he

hasn't a single friend in the club." Like all stars, Roosevelt had no affection for an understudy. But he did want a vice president who would be popular with the senators and smooth the passage of the peace treaties that were soon bound to be coming along. He felt that Wallace would be of no use in such a role. He wanted a vice president who could call the senators in and buy them a drink at crucial moments. Garner called this "striking a blow for liberty."

Corcoran told me that during the latter part of 1943, Roosevelt kept hinting to Wallace that he should get lost. He tried to get the idea across by sending Wallace on a trip to China. When Wallace returned from the Orient to make his report, Roosevelt was significantly silent about the vice presidency. He waited for the subject to be brought up by Wallace but the latter also kept his silence. Upon the Vice President's departure, Roosevelt became furious. He said, "We'll beat him. We'll beat the Vice President with the Assistant President."

The "assistant" president was James Byrnes who had resigned from the Supreme Court to take over the economic direction of the war effort. Byrnes was given the word and went to Chicago to open up campaign headquarters with a direct line to the White House.

Then the anvil chorus started on Byrnes. It was pointed out that as a Southerner he was unacceptable to Northern liberals, particularly Sidney Hillman of the C.I.O..

When the California delegation first arrived in Chicago, Ed Pauley, who was to be the new Democratic National Committeeman from California

had told Bill Malone and me that he had been given the name of the President's choice for vice president but was not yet authorized to release it. The name was allowed to seep out, and it was Harry Truman. Accepting Corcoran's version of President Roosevelt's limited criteria for a vice president, Senator Truman was quite satisfactory. He was not from the South, but from a border state, and he certainly was a popular senator entirely able to find it within his heart to pour a drink for senators to help along the cause of peace and the United Nations.

The Democratic leadership honored me at that convention by making me chairman of its Rules Committee. The most thing useful we accomplished was the final abolition of the two-thirds rule, which had plagued the Democrats for so many years. The conventions at Baltimore in 1912 and at Madison Square Garden in 1924 had been deadlocked for days because no candidate could get the support of two-thirds of the delegates. The Republicans had always gotten along with a simple majority to nominate. At the 1944 convention our Committee succeeded in bringing the Democrats into line.

In the week following the convention in Chicago, I went to Mexico City for the annual convention of the Inter-American Bar Association. The Ecuadorian delegates had introduced a resolution to put the convention on record requesting the United States to honor the Chamizal Award. The Chamizal was within the city of El Paso, a parcel of several hundred acres which had been in dispute between the United States and Mexico since the Rio Grande shifted its course in 1864. The dispute had been referred to arbitration and the Canadian arbitrator had awarded the area to Mexico.

However, the award was made just before the revolution of 1912 and the United States had simply ignored the decision.

The pro-Chamizal resolution created a furor at the convention. Many of the Mexican delegates were ambitious lawyers anxious to maintain their good relations with the conservative lawyers from the United States who constituted the largest portion of our delegation.

During the debate I spoke in favor of the resolution. I had the bilingual assistance of Richard Ibanez, a Los Angeles lawyer, later my law partner. Those against the resolution said it was no matter of concern to lawyers. I replied that a large part of the practice of many lawyers was the collection of unpaid judgments. The Chamizal Award was just a judgment that had been long unpaid by the United States. I therefore suggested that it was germane to the purposes of a convention of lawyers. The conservative leadership of the convention tabled the resolution as being out of order. The chair then adjourned the meeting. The pro-Chamizal delegates refused to leave their seats and immediately started to organize a rump organization to take the place of the Inter-American Bar Association. They urged me to become president of such an association. I declined and left the meeting. I rode back to the Reforma Hotel in the same taxicab as President Joseph Henderson of the American Bar Association. He said he had never heard of the Chamizal controversy and did I know anything about it ? I admitted that I did not know a great deal about the controversy but that luckily I had read a description of it just that week in a new book by Sumner Welles.

In 1963, nineteen years leter, one of the last acts of the Kennedy Administration

was to accede to the award and to restore the disputed acreage in El Paso to Mexican sovereignty.

My long absence from California had put me behind in my work of reviewing the briefs and opinions to which my name was signed. Returning to Los Angeles I discovered to my horror that my name had been signed to a brief asking for the affirmance of the conviction of a young woman who had been arrested in the hotel room of an Army officer. The young woman was helplessly intoxicated, had been taken to the room by the officer. They were followed by police officers. The police officers peeked into the bedroom from a fire escape and saw the officer committing an unnatural sex act upon the helplessly intoxicated woman defendant. Both were arrested. By a quirk of military justice, a court martial acquitted the officer, but a civilian jury convicted the woman defendant. The case had already been argued before the Appellate Court and submitted for decision. I rushed up to my friend, Presiding Appellate Justice Walter Desmond. I told him that if his court could find any way of reversing the conviction, I promised that the People would acquiesce. Happily I discovered that without any suggestion from me the court had already decided to reverse the case. There were some interesting points of law decided and the case has been many times followed in subsequent decisions, without awareness of its true background, (People v Rayol, 65 Cal. App. 2d 462).

A good deal of attention was given by me to the long pending claims of the California Indians. Shortly after California became a state in 1850, the federal government negotiated 19 different treaties with various tribes of

California Indians. For some obscure reason the Indians had always been treated as if they were foreign nations. Formal treaties made with them were ratified by the Senate of the United States, as if the tribes were foreign powers. Under these 19 treaties, the Indians relinquished their tribal rights in California lands in exchange for definite reservations, supplies, tools, teachers and medicine. When the treaties were up for ratification before the Senate in Washington in 1853, California legislature passed a resolution asking the U.S. Senate to refuse ratification. Some mining interests had become fearful that the reservations assigned to the Indians might have ore bearing possibilities. The Senate followed the instructions of the California legislature and the United States reneged on its promises to the Indians. The Indians had given up their lands but received nothing in return. After a lapse of fifty years, the old treaties were uncovered and the Commonwealth Club in San Francisco began agitation for delayed justice to the Indians. In 1929, the California Legislature authorized the Attorney General of California to act without fee as attorney for the California Indians to prosecute a claim in their behalf before the Court of Claims at Washington. Suit was then filed, but dragged on for many years.

This suit against the United States had been authorized by a special enabling act of Congress. I read this act carefully and it was obvious that under its terms that the Court of Claims could not award any judgment in favor of the Indians exceeding $5,000,000. Chief Justice Richard Whaley of the Court of Claims told me that he had been a Justice for fifteen years and that the California Indian case had been on his docket ever since he

went on the Court. He wanted the matter settled before he retired. I conferred with the attorneys at the Federal Department of Justice who were in charge of the litigation. We worked out a settlement for $5,024,842.34 and I prepared an illustrated booklet describing its terms. The booklet was circulated to members of Congress and to the various Indian tribes. Antonio Satomayor of San Francisco furnished the illustrations.

In August, 1944, Attorney General Francis Biddle came to California. I presented him with a copy of this booklet. Settlement was approved by the Court of Claims and a few years later each of the 25,000 enrolled Indians of California received a per capita payment of $150. Subsequent litigation carried on by private counsel is designed to increase this amount. If successful it will certainly be an act of delayed justice.

During his visit to California I invited Attorney General Biddle to come with me for a swim at The Beach Club at Santa Monica. Stewart McKee and Rep. James McGranery of Pennsylvania, later to become an Attorney General of the United States, came with us. While we were in swimming, I pointed out to Biddle that we were now on the Tidelands which some time might become a matter of controversy between us. There had been rumbles of federal claims to the California Tidelands, but nothing formal had ever appeared. This was August 18, 1944. Biddle treated my suggestion as a joke. However, within less than a year he had filed suit against California to recover control of the Tidelands for the federal government.

During the month of August, I also conferred with Federal Security

Agency representatives who were concerned with the spread of venereal diseases during the war. They desired to cooperate with a state Attorney General on a manual for the legal control of venereal disease. I was agreeable and John Goldsmith of Virginia was sent out from Washington to work with me on a booklet which was published later that year, under the heading "Combating Venereal Disease." It outlined quarantining procedures and other methods of using the law to control the spread of syphilis and gonorrhea. It soon appeared that the newly discovered antibiotic drugs would be much better at this kind of control than anything we lawyers could devise.

In early September I went to Memphis, Tennessee, to attend a regional zone meeting of southern attorneys general. At their last national convention, I had persuaded the National Association of Attorneys General to set up zone meetings for the various states, similar to the arrangement we had in California for zone meetings of local prosecuting officers. I attended the southern zone meeting because the southern states were then greatly concerned with the discrimination of inter-territorial freight rates against their region. California had a similar grievance, and I was anxious to learn what I could about meeting the problem.

The subject of freight rates was brought up on September 15, at a regional meeting of western attorneys general in San Francisco. At this meeting in San Francisco Governor Warren attended as well as the attorneys general of New Mexico, Idaho, Utah, Colorado, Nevada and Wyoming. For some reason of sectional hostility, no representative from Arizona ever appeared at any of the inter-state meetings that I arranged. Sara and I

gave a cocktail party and Chinese dinner for our visitors. Governor Warren was very much impressed by Wendell Berge of Washington, D.C., head of the Anti Trust Division, and Joseph Borkin, Anti-Trust economist, and attorney who accompanied Berge. These two men did much to awaken us to the economic disadvantages likely to face the West in the post-war period.

The Republican candidate, Thomas Dewey, came to San Francisco on September 21. Earl Warren rode with him in a parade. I wanted a good view of the procession and crawled out of my window on the sixth floor of the State Building to sit on the ledge. When the parade went by, Earl Warren looked up to see what was going on at his old office, and saw his successor sitting on the parapet. Someone snapped a picture of me out there, and it later appeared in News Week magazine. Dick Wiley called this "ledge-art."

Late in September, I went again to Salt Lake City for a meeting of the Interstate Cooperation Commission. Our principal topic of discussion was the Geneva steel mill that had been erected in Utah, with a heavy contribution of government funds. The delegates were all hopeful that this steel mill would remain in independent western hands, and not return to the eastern steel cartel after the war. We felt that independent steel production was most important for the post-war economy of the West. Our hopes were in vain. After the war, the Geneva steel project was merged to become a subsidiary of United States Steel. A 5 to 4 decision of the U.S. Supreme Court approved the merger. (334 U.S. 495)

On October 15, Senator Truman, as candidate for vice president, came to California. George Allen was his advance man. George, a native of Mississippi, was the Washington insurance man who later wrote a very funny book, "Presidents Who Have Known Me." The night before Truman arrived, I took Allen to a Hollywood party at the home of screen writer Dalton Trumbo, later one of the "Hollywood Ten." There were two or three mixed couples there, Negroes and Caucasians. Allen was a broad-minded Mississipian, but this gave him pause. "Bob," he said to me, "I've heard about this sort of thing, but believe me, this is the first time I have ever seen it." Allen managed to have a good time, however, and everyone at Trumbo's liked him very much.

Early the following morning Allen and I, accompanied by Max Wagner, a very old friend of mine, famed as Hollywood's oldest extra-man, went to the Alhambra Station to meet the candidate for Vice President. Senator Truman spoke at a mass meeting at the Shrine Aduitorium the following night. Afterwards, I drove his party to Bakersfield where we all took the Southern Pacific Lark to San Francisco.

On October 17, Albert Chow, the "Mayor" of Chinatown gave a wonderful Chinese dinner for Senator Truman. Among those present was Bartley Crum, a progressive Republican attorney who had been one of Wendell Willkie's campaign managers. Now, Crum was campaigning with us for FDR's fourth term. Senator Truman thoroughly enjoyed the dinner. For many years afterwards he maintained a close friendship with Albert Chow.

The Senator had to leave the Chinese restaurant for Oakland to catch the Southern Pacific train to Portland. He was seated in the Attorney General's limosine next to Sara. I noticed Sara had a strange look on her face. After we deposited Senator Truman on the train, she whispered, "Do you know what your candidate just said when we came out of the restaurant? He said, 'those Chinese are wonderful, they are the only colored people I trust.'" Later in the campaign, when the Republicans made the charge that Senator Truman had been a member of the Ku Klux Klan Sara gave me the "I told you so" look. My neutrality in respect to Wallace in Chicago was not readily forgiven by her.

On September 8, 1944, I drove to Bishop, California with my old friend Sheriff Eugene Biscailuz of Los Angeles County. Jesse Hession, a former district attorney of Inyo County and then head of the Criminal Division of the Attorney General's office had invited us to attend a peace officers barbecue at Bishop, the county seat. Biscailuz and I were friends from the days when I was a newspaper reporter covering the sheriff's office. He was then the under-sheriff and a dependable source of news.

In that same month I attended a National Lawyers Guild banquet in Los Angeles given to honor Carey McWilliams when he was retiring as its local president. Morris Cohn was to take over this position. Carey McWilliams had been Housing and Immigration Commissioner under Governor Olson, always an unflinching liberal. Olson resisted demands that he fire McWilliams because of his active espousal of decent housing conditions for migratory workers, and similar political offenses. Carey's

name had become known throughout the country. When the LaFollotte Toland Committees came to California to learn the facts about abuses and discriminations against minorities, they did not call on the people who had tried to smear Carey with unpopular labels. Instead, they asked Carey to testify as an expert to shed light on the work they were doing. By this time Carey had published "Factories in the Field," "Ill Fares the Land" and most recently "Brothers Under the Skin." He was then writing a book on the Japanese-Americans of the West Coast, entitled "Prejudice." Carey did much to shape my own ideas and the opinions of most California liberals of that period. In the early 1950's he was called to New York to become editor of the "Nation."

The anti-labor forces had circulated an initiative petition to enact a "right to work" law, which became Proposition 12 on the November, 1944 ballot. On October 2, I spoke over the Mutual California network against this proposal, saying: "Proposition 12 is a declaration of war. It is a bid by a small group of agitators to build industrial antagonisms and disrupt the plans for economic conversion. If this measure passes, it will disrupt California's industrial future when millions of California sons will be returning to seek a place in our expanding industry."

The November, 1944 election was the high water mark attained by the California Democratic Party in the 20th Century and remained unequalled until the 1958 sweep. We had achieved complete unity among all of the formerly dissident factions. The right to work proposal, Proposition 12, was defeated by 600,000 votes. President Roosevelt carried the state

against Thomas E. Dewey by nearly 500,000 votes and Sheridan Downey was re-elected United States Senator over Lieutenant Governor Frederick F. Houser by 150,000 votes. California Democrats took three more seats in the House of Representatives, giving the party sixteen out of twenty-three. Frank R. Havenner unseated Congressman Thomas Rolph in San Francisco, Assemblyman George B. Miller, beat veteran Republican Albert E. Carter in Oakland. Ned Healey defeated incumbent Norris Poulson in the Los Angeles Silver Lake District and Clyde G. Doyle, with the support of the liberal and left wing forces that he denounced as Reds a few years later, unseated Ward Johnson in Long Beach. The only Democratic seat lost was that of incumbent John Costello, in the Wilshire District, where the Democrats met with the strange political accident of nominating Hal Styles in his place and then discovering that Styles had been a Ku Klux Klan leader in the East.

My part in the November, 1944 California campaign earned me the following generous comment from the San Francisco Argonaut of November 10, 1944: "Robert W. Kenny, the Attorney General of California, is an intellectual leader in practical politics. He is genuinely interested in legislation designed to serve the best interests of all the people and in measures enabling business to provide opportunities for jobs in the post-war era. He has been distinguished for the clarity of his vision and the industry with which he frames the programs he sponsors."

On November 18, Sara and I went by train to Omaha to attend the national convention of the Association of Attorneys General. I later joined

her in New York where I was the master of ceremonies on December 13, for a National Lawyers Guild dinner given to honor Senator Robert F. Wagner. Mayor LaGuardia was one of the speakers. Mayor LaGuardia had originally been elected on an anti-Tammany Fusion ticket, as a Republican. Wagner, though a progressive, had always been a strict party-line Democrat. LaGuardia said he was proud to honor Senator Wagner that evening, and that he had voted for the Senator in every election, although he was certain Wagner had voted against him every time he ran. I praised Senator Wagner for his authorship of the Labor Relations Act and the Social Security Act.

In Washington on December 16, I was the guest of honor of another National Lawyers Guild banquet which was attended by Justices Reed and Douglas of the Supreme Court. Justice Douglas told the banquet guests that the greatest problem then facing the world was the maintenance of a free society and the way that we managed it might mean the life or death of our civilization.

During my stay in Washington, Abe Fortas, Under-Secretary of the Interior, informed me confidentially that the order excluding persons of Japanese descent in California would shortly be revoked. Similar word was also relayed to Governor Warren. Upon my return to California, I conferred with Governor Warren and plans were set in motion for the return of the Nisei with a minimum of community disturbance. The Plan met with objection in many quarters. Mayor Fletcher Bowron said to me in Sacramento: "I understand you are back of this move to return the Japanese to California." I admitted this, and added that I thought he should agree

with me that the Constitution required it. The Nisei had been left undisturbed in Hawaii throughout the war. Bowron was not convinced. "If they come back to Los Angeles," he told me, "I will not be responsible for their safety." To Bowron's credit he repented of this view a few months later.

Two county sheriffs, one in Nevada County, the other in Orange County, openly defied our efforts to obtain peace officer cooperation for the peaceful relocation of the Japanese. Governor Warren backed me up, and said that if local constabulary did not protect the returning Nisei, he would see that state forces did so. Incidentally, only two sheriffs were beaten for reelection in the fall of 1946, and they were the sheriffs of Orange and Nevada Counties.

Robert Powers, as law enforcement coordinator, worked very closely with Robert Cozzens and Pat Frayne of the War Relocation Authority. I had rewards offered for the arrest and conviction of anyone caught harassing the returnees. The War Relocation Authority did an excellent job. Members of the 442 Battalion, the Hawaiian Nisei who had made such a splendid record in the Italian campaign, came to California for public relations appearances throughout the state.

There were serious acts of terrorism committed against the returnees in Fresno County. My investigators found that most of this hatred came from the activities of a small town banker who had been very close to the Japanese at the time of their evacuation. As their "friend" he had volunteered to care for their property during their absence. Now that they were returning

he was soon to be called to account. It was this man who had been encouraging the small town hoodlums to try to frighten the Japanese-Americans out of California. We had just about perfected our case against him and were ready to take it to a Grand Jury, when Providence intervened. The small town banker had a heart attack and died. Anti-Japanese agitation in that area ceased almost immediately.

WAR TO PEACE - ROOSEVELT TO TRUMAN

On January 3, 1945, the opening day of the Seventy-Ninth Congress, a parliamentary maneuver by Rep. John Rankin of Mississippi saved the House Committee on Un-American Activities from the demise that had been widely predicted for it. The Committee had been so generally discredited in the 1944 elections that its foes in the House of Representatives were asleep. They were taken by surprise when Rankin introduced an amendment to the rules which established the Un-American Activities Committee as a permanent standing committee. It carried by a vote of 207 to 186.

On the same day, Rankin attacked me and several other Californians for our membership in the American League for Peace and Democracy, a successor of the Hollywood Anti-Nazi League. Rep. Cecil King took the floor and defended me against Rankin's charges (P. 111 Cong. Record, 1st Sess. 79th Congress).

Sidney Hillman of the Amalgamated Clothing Workers came to California in January, 1945. I attended an Oakland banquet given in his honor by the CIO Political Action Committee. Hillman was the head of this organization. Hillman was given deserved praise for his great organizational work in 1944 and its contribution to the Democratic victory.

I spent from January 22, to February 11, in Washington as head of the California delegation opposing ratification of the Mexican Water Treaty. Senator Hiram Johnson was a member of the Senate Committee on Foreign Relations. He did the best that he could for us, but his health was failing

and he was opposed by the Committee Chairman, Senator Tom Connally of Texas, who strongly favored the treaty because of the benefits his state would receive from it. Mrs. Johnson acted as the Senator's liaison to the California protest group. She was a brave lady and most helpful to us. I had been able to persuade the Roosevelt administration to hold up presentation of this treaty until the November, 1944 election. However, once the election was passed there was no chance of stopping it. It was soon favorably recommended by the committee. Senator Sheridan Downey led the fight against the treaty on the floor. Paradoxically, Downey was handicapped by his thorough knowledge of the minute details of Western water law. During the floor debates, the Senator became lost in these details and the other members of the Senate were bored stiff. If our other senator had only been the Hiram Johnson of the 1920s, it might have been a different story. California had received a raw deal on treaty's allocation of water. Our urgent need was a senate spokesman with a capacity for outraged indignation.

A campaign against racial restrictive covenants was then being conducted by the National Lawyers Guild. A forum on this subject was held at the First Congregational Church in Los Angeles, on February 24, 1945. "The Folklore of Segregation" was the title of my speech there. I argued that segregation was being kept alive by the myth that occupancy by minorities depreciates the value of property, saying, "Once the myths and folklore are exposed and peeled off -- once the horrible, medieval practice of segregation is shown to have nothing more to support it than its

own doing and continuation, I predict that the practice will cease."

Several new Democratic legislators had been elected and I spent considerable time in Sacramento in March 1945 attending caucuses with these new members.

Governor Warren had startled his own followers that session when he proposed a compulsory health insurance bill quite similar to the one proposed by the C.I.O. Under the title "Strange Doings in California," Carey McWilliams wrote in the January 30, 1945 'New Republic': "To understand fully the Governor's position, it is necessary to consider one of the most peculiar political relationships in California - that between Governor Warren and Attorney General Robert W. Kenny. In a sense Bob Kenny is responsible for the Governor's successful career in state politics. When Earl Warren ran for Attorney General in 1938, he faced the likelihood of defeat, despite the fact that the Democratic nominee was not a strong candidate. The registration was overwhelmingly Democratic, more so than it is today, and the people were determined to oust the entire Republican machine. In this emergency Warren appealed to Kenny for support, setting forth in a letter in his own handwriting his undying devotion to civil liberties. Always inclined to be unpredictable where personalities are involved and often motivated by a remarkable generosity toward political opponents, Kenny proceeded to endorse Warren. It was really his action which tipped the scales, for even with the endorsement Warren was elected Attorney General by an extremely narrow margin.

"Today Governor Warren is uneasily aware of the formidable Mr. Kenny,

whose lengthening political shadow he sees whenever he looks guardedly over his shoulder. He fears that Robert W. Kenny can defeat him for the governorship in 1946. His position would be quite different were the Democrats without a strong candidate. But Bob Kenny is the ablest politician California has produced since the emergence of the Hiram Johnson of 1910 - to be distinguished from the aged and embittered relic of isolationism who still survives in the Senate. In 1938 Warren was the only Republican elected to an important state office in California; in 1942 Kenny was the only Democrat elected. Just as Warren has been successful in wooing Democratic votes, so Kenny has shown a still more remarkable ability to draw strength from the Republican camp. Kenny's left flank is securely guarded, and he knows how to maneuver his right flank in an extremely dextrous fashion. Warren has a fairly secure right flank, considerable support in the center, and no support whatever on the left. The personal relationship between the two men is cordial, and they have cooperated effectively since Warren has been Governor, but the rivalry is intense if not overt. The older and more experienced politician, Governor Warren watches every move of his younger rival and has shown a surprising ability to imitate, and in some cases to anticipate, Kenny's genuine liberalism. The nation is likely to hear a great deal more about these two personalities in the future. For the Governor hopes to be President in 1948; and liberal Democrats throughout the West hope, some day, to send Bob Kenny to the White House. Without showing his hand, Bob Kenny is setting the political pace for the Governor."

Several mountain county sheriffs had been reviving the old western practice of offering rewards for the apprehension of criminals "dead or alive." In some cases there was strong reason to believe that suspects were deliberately killed in order to earn such a reward. I obtained the introduction of a bill in 1945 which outlawed such bounties on human beings. This bill passed and became law (Sect. 652 Cal. PC).

My activities of the previous year drew some national attention. In the March, 1945 issue of "Harpers" C. Hartley Grattan said, in "The Future of the Pacific Coast," "Mr. Kenny is today seeking to break down state provincialism, to promote a sectional perspective of the West's problems, and -- without sacrificing sectional interests -- to fit them sensibly into the national picture, a useful and necessary job. In February of last year, Mr. Kenny played a strategic role in arranging a meeting at Carson City, Nevada of the Western state committees on inter-state cooperation for the specific purpose of discussing the problems of Geneva. This emphasized that Utah might have a steel mill, but its operation was a western problem, not Utah's alone. Out of such events, and the ideas which inspire them, one can clearly see emerging the elements of a western way of thinking."

In April, 1944, Ernest Lindley, writing in the "Washington Post" of possible candidates for the Navy Secretaryship said:

"The most powerful and popular Democrat on the Pacific Coast is State Attorney General Robert Kenny of California, and he might well feel that his present office as a springboard for the governorship of California is better than a Cabinet post."

On March 22, I spoke before the Los Angeles Chapter of the American Veterans Committee. There were great hopes then for this organization -- a liberal veteran's group which would counteract the reactionary American Legion. The previous evening I had dinner with Michael Blankfort, who was then writing a book about Colonel Evans Carlson, the Marine hero. Blankfort had served with Carlson's Raiders. He told me enough about Carlson that evening to cause me to share his enthusiasm for Carlson as a candidate for United States Senator in 1946.

Fletcher Bowron was re-elected to another four-year term at the Los Angeles Municipal primary on April 3, 1945. His principal opponent was Clifford Clinton, the cafeteria man, who had been Bowron's principal supporter when he was first elected in the 1938 recall.

On April 6, 1945, the Delano Record editorialized that I had "committed political suicide" because of a speech in which I had blamed the scarcity of vegetables in California upon the exclusion of the Japanese and that I had taken "a dig at Japanese baiters for good measure." Obviously anti-Japanese sentiment still prevalent in the San Joaquin Valley.

On April 9, I drove to San Diego with Bill Malone, State Chairman, and Edwin W. Pauley, National Committeeman, to attend a banquet of the San Diego Democrats. I returned to Sacramento, and was there on the afternoon of April 12th when the news came of the death of FDR. The following week, I spoke at Democratic memorial meetings in Long Beach, at the request of attorney Joseph Ball, and at Stockton. I spoke at a memorial meeting at the Civic Auditorium in San Francisco on May 4th

with Harold Stassen and Jo Davidson, the sculptor.

On April 22, I drove to Reno to meet the special trainload of Eastern newspapermen on their way to San Francisco to cover the opening of the United Nation Organization Conference. Duncan Aikman was aboard. He and some others left the train and drove with me by automobile over the Donner Pass to Sacramento. This is the most magnificent way to be introduced to the beauties of California. Aikman pointed out the sights and described them as "Gods greatest scenic cocktail."

The United Nations conference filled San Francisco to the brim. Martin Popper, Secretary of the National Lawyers Guild, and I had been appointed consultants to the American delegation by Secretary of State Stettinius. About 100 such consultants had been appointed, representing everything from the American Bar Association to the Anti-Saloon League. They all came to San Francisco, but none found very much to do. Aikman described us as the "unconsulted consultants" who had been called to San Francisco to work out the "Conditions of Unconditional surrender." Steward McKee came up from Los Angeles and stayed throughout the sessions, until they adjourned on June 26.

On the opening day of the session, April 25, 1945, it was my good fortune to be able to drive three important American writers to the summit of Mount Tamalpais. My guests were Norman Corwin of radio, E. Y. Harburg, the lyricist, and Earl Robinson, who had just written his "Ballad for Americans." From that scenic peak we could see seven Bay area counties spread out below us. It was one of those brilliantly clear

days that San Francisco occasionally provides. Over the automobile radio, we heard the speeches of Stettinius, Molotov and Anthony Eden. The majesty and beauty of the occasion were breath-taking. It seemed like the promises of a great new world were really to come true.

Benjamin Dreyfus, then San Francisco head of the National Lawyers Guild and Appellate Justice Raymond Peters/set in motion plans for a banquet to be attended by all of the lawyers who were delegates to the United Nations meeting. There had been a thirty-day blackout on social activities following President Roosevelt's death. The lawyers banquet, held at the Palace Hotel on May 15, was the first big party after the period of mourning had ceased.

Dick Wiley persuaded the California Wine Institute to provide large quantities of California champaign for the guests. The California Wine Institute had an annual appropriation for gifts of wine "for educational purposes." Wiley convinced the Institute that this would advance the California's educational project throughout the civilized world.

The occasion was a happy one, but nearly everyone drank too much, and the speakers talked too long. Circuit Judge John J. Parker came out from North Carolina to deliver the speech of the evening on "World Government by Law." When he finally came on, after six previous speakers, it was midnight and there was no one much left to talk to, except a few somnolent guests and some pretty impatient waiters and bus boys.

The Attorney General's office was in the State Building directly close by the Opera House where the United Nations sessions were being held.

Duncan Aikman was given carte blanche to invite visiting newspapermen and delegates to my office. Nearly every evening there was a motley international crew on hand. Aikman called these sessions "the Mermaid's Tavern of the World." One welcome attendant on these occasions was Rev. E.A. Conway, S.J. who had come to San Francisco to cover the sessions for "America," the Jesuit weekly.

During the month of May there was a District Attorney's convention at Hoberg's. I was asked to provide some speakers and I brought Father Conway and Jack Winocour of the British Information Service. It was the first time I had ever seen the District Attorneys show any group interest in international affairs.

P.L. Prattis wrote in the Pittsburgh Courier on June 2, 1945: "Duncan Aikman had been after me to come over ... after hours... to the eyrie of Bob Kenny, California's attorney-general.... also president of the National Lawyers Guild. Couldn't quite make up my mind to go ... after hours in the attorney general's office oughtta be sort of informal with strange folks, male and female, strange white folks, -- relaxing. Was it necessary to go, even to hear so renowned a liberal as Kenny expatiate on the issues of the day ... was it necessary to go and probably get hurt? Kenny didn't know me. I'd never met him. Had seen him, of course, at Sherman Hotel, Chicago, early in'44, but had never been introduced to him. How could I claim him as friend?

"But, folks, I went -- and I am glad. This doggone newsprint situation makes me mad sometimes... there's so much I want to tell you about and

there just isn't space. I'd just like to run on and on about Bob Kenny and the folks who drop in on him for relaxation and spiritual and intellectual stimulation. Kenny's got the stuff you gotta watch. He wasn't there when I arrived, but Aikman was. Grabbed my hand, shepherded me around, giving me the nod to first this one and that one, male and female, in the splendiferous offices of the attorney general in the State house. Big wigs of San Francisco, big wigs of the Old U.S.A., big wigs of the world... all foregathered to while away the evening hours with Bob Kenny. After an hour or so, he came. Aikman ran to me. He says, 'The Attorney General is here -- you met him?' 'Well, not exactly,' I admit as he shoves me along to where a small group of men and women surround California's cherubic law enforcer. His face is suffused with good humor, there is sparkle in his eye. He turns as I'm shoved through the crowd... Aikman waits to see what happens... so do I, 'cept that I do say, 'Remember when we last saw each other?' There was a flashing trace of recollection on his face, then even a broader smile and he counters, 'In Chicago!' Folks, I was just sort of struck dumb. For the rest of the evening, I just could not help but think about the money I could make if I could promote a battle of memory between him and Ira Lewis. Had awful nice time throughout evening, met awful nice people. - - - -"Another word -- and we'll be through with Bob Kenny. You know, there are some lynch-minded Californians. They had been shooting into the homes of returned Japanese-Americans. Three soldiers, AWOL, from the Army, tried for such an attack, acquitted. Attacks continue. Ickes, you know the darling ol' curmudgeon, issues a

blast that's calculated to make Californians feel ashamed of themselves for acting so much like Georgians. It does make some Californians feel ashamed, notably Frank Clarvoe, the tough and able editor of Scripps-Howard's Daily News here: Clarvoe, stung, rips off an edit, insists as how the law enforcement officers of the State ought to do something about this menace of prejudice against Americans who happen to be Japanese also. The edit is a sort of big stick aimed at the head of Kenny. So I asks Kenny if he'd seen this edit. 'Seen it?' he smiled. 'You bet I have' and he led me into another room where he had 100 copies. 'I'm gonna send a copy to every sheriff in the State and tell them they got to get the hell to work on this thing. Editorials like this help me to do my job -- I like 'em.' 'Scuse me, folks, for taking so much time with him, but a few years from now, Kenny'll be in the Governor's chair or in Washington and you'll be glad that I gave you this itsy, bitsy glimpse of him."

Judge Matt Brady gave a luncheon to introduce some of his San Francisco friends to the visiting foreigners. Two guests on this occasion were Maurice Bathhurst, attorney for the British delegation, and Charles Campbell, a British newspaperman. Since most of Judge Brady's friends were of Irish extraction, it seemed a wonderful occasion to erase old Anglo-Hibernian hostilities. Charlie Campbell was a devastating refutation of the notion that the British lack a sense of humor. During the sessions, I asked him if he was being amused in San Francisco. "Amused," he said. "I am so tired, I couldn't take 'yes' for an answer."

On May 23, President Truman announced that he had appointed Tom

Clark Attorney General of the United States. However, the incumbent, Francis Biddle, was to continue holding office for another two weeks. On May 29, Biddle filed suit against California to quiet title to the Tidelands.

These tidelands had been the source of several million dollars annual revenue to the State of California; by 1963 the state had received over $500,000,000 in oil royalties. During the early 1930s, some oil men had discovered a process of slant drilling by which the oil beneath the Tidelands could be produced from on-shore drilling sites. It had always been assumed that the States owned these tidelands. The State of California had given leases to the drillers in return for royalties from the oil produced.

Of course, there were not enough of these oil leases to go around. Some of the oil companies that were left out consulted land title lawyers. A theory was evolved by then that the tidelands really belonged to the federal government. These imaginative oil men immediately worked out leasing arrangements with Secretary of Interior Ickes. These leases would become enormously valuable if the State's title was held defective and the Federal claim upheld.

I strongly suspect that Biddle believed Tom Clark's friends in Texas wanted to keep the title in the State, since the State of Texas had also issued many oil leases to off-shore drillers. Biddle put the suit on file before he left office. Once this egg had hit the fan, it was impossible for Clark to drop the matter.

I alerted the Attorneys General of the other states similiarly affected. We obtained the prompt introduction of a bill in Congress which would quit-

claim the title to the Tidelands to the various states. While the United Nations conference was still in progress in San Francisco on June 18, I was able to hitch a ride in the Secretary of State's plane to Washington, to testify before the House Judiciary Committee in favor of this quit-claim bill.

The U.N. conference finally came to a close on June 26. President Truman came to San Francisco to give a farewell address to the delegates. The Sacramento Bee of June 27, reported the following conversation I had with President Truman at his suite in the Fairmont Hotel.

"'Why don't you run for governor, Bob?' queried the president.

"'Say, I'm running from office not for office.' replied Kenny with a broad smile.

"'I've been doing that all my life, Bob, and look where I landed,' snapped Truman with a twinkle in his eyes.

"Responded the genial attorney general: "Yes, and now you are in a job without a future."

On June 22, Gould Lincoln wrote in the Washington Star, as follows:

"Democrats in California are wondering just what the death of the late President Roosevelt may mean to their party strength in this state --- .

"The man to whom many of the party leaders are looking, either as a candidate himself for Governor or Senator or as a builder of the party organization, is Attorney General Robert W. Kenny. Dynamic, hard hitting, Mr. Kenny is devoted to politics. He is the only Democrat holding high state office, having come through successfully in the 1942 election, when

Republican Governor Warren was rolling up a 300,000 lead over his Democratic opponent. Governor Warren himself had held the office of attorney general. Despite party differences, each man thinks highly of the other.

"Mr. Kenny insists he is not interested in running himself next year for Governor or for the Senate seat now held by the veteran Senator Hiram Johnson. According to his friends, he would prefer to continue in his present office if he is to hold office at all, and be the power behind the throne, the real political boss of the Democratic Party of California. As attorney general of the State, Mr. Kenny wields a lot of power. As the Democrat with the highest State office it is to him deserving Democrats go when they want a job or some other form of aid. He is progressive, president of the National Lawyers Guild. He has independent means and does not have to hold a job. At one time he was a judge of the Superior Court in Los Angeles County and at another State Senator.

"Mr. Kenny does not believe the death of the late President is going to sink the party . ---

"California Democrats are already considering a slate, a 'cast' to put it in Hollywoodese. For their ticket next year Henry Grady, president of the San Francisco Chamber of Commerce, is talked of for the gubernatorial nomination and for Senator they propose to put forward that hard-fighting Marine Colonel Evans Fordyce Carlson. With such a ticket they feel they would have an excellent chance of winning all down the line."

On June 20, Governor Warren, Mayor Roger Lapham of San Francisco and I flew in a Navy plane to Portland to attend a meeting of the Commission

on Interstate Cooperation. I took this as another occasion to renew my acquaintance with the active Democratic leadership in the Northwest. I flew North again on June 30, to address the Oregon Press Association, at Eugene. Justice William O. Douglas and E. Palmer Hoyt, then of the Portland Oregonian, were also on this program.

John Gunther was in attendance at the U.N. sessions. He was then in the process of compiling material for his "Inside U.S.A." I invited him to ride with me to Sacramento and Nevada to fill in those chapters of his book. We spent three very plesant days together. Alan Bible, then Attorney General of Nevada, entertained us in Carson City.

On July 18, Drew Pearson said in his column that I was one of several Democratic politicians who had made a killing by speculations in rye. This caused a flap and I had to write letters to the editors denying it. What actually happened was that when I had been in San Diego with Ed Pauley in early April, he gave me a tip that May wheat would be a good buy. I had never speculated in the commodity market before, but I plunged in and bought an option on 100,000 bushels of May wheat. President Roosevelt died a few days later, the market broke and, about the time my option was to expire, I called my friend, Mr. Pauley, to find out what should I do with all of this wheat because the broker was threatening to deliver it to me within 48 hours. Much to my dismay, I found that my great commodity market adviser was then in Moscow. I let the broker sell me out and I was lucky to get out of the thing with a net loss of $650.

This flap put me on guard, however, and I took steps to sell out my stock

in the Oceanic Oil Company. I was a director of Oceanic and I also resigned my directorship. The Oceanic Oil Company did not have a well within one hundred miled of the Tidelands. However, the name would certa inly attract the suspicions of the columnists. As long as I was leading California's fight on the tidelands, I thought it best to divest myself of anything that sounded like an ocean.

I did remain a director of Stewart McKee's brewery and of the Citizens Bank, since I could not see any fancied conflicts of interest there.

On July 14, I visited with Colonel Evans Carlson and his family at their home in Escondido, San Diego County. Carlson was a magnetic leader of men and this meeting confirmed everything that Mike Blankfort had told me about him.

The progressives of Hollywood were full of activity at this time. They filled the Philharmonic Auditorium in Los Angeles at a mass meeting on June 27, 1945. On this occasion, I devoted my speech to the events of the United Nations Conference and the signing of the International Charter. The letterhead of the Hollywood Independent Citizens Committee of the Arts, Sciences and Professions then bore the names of such stars as Humphrey Bogart, Charles Boyer, Abe Buroughs, Eddie Cantor, Mark Connolly, Norman Corwin, Joseph Cotten, Olivia DeHaviland, Albert Dekker, Walter Huston, Jerome Kern, Gregory Peck, Artie Shaw and Orson Welles.

On July 20, a crowd of 17,000 came to the Olympic Auditorium to protest the appearances of Gerald L. K. Smith in Los Angeles. Smith had held three meetings in Los Angeles, and the progressive forces wanted to

give him some competition by this counter rally at the Olympic. The meeting was called under the auspices of an ad-hoc organization known as Mobilization for Democracy. The representation at this meeting was impressive, and included the AFL, CIO, Veteran's organizations, the Church Federation, leaders of the Jewish community, the League of Women Voters, the NAACP, the Democratic and Republican County Central Committees and the Council for Civic Unity. I was the Chairman of the meeting. Speakers on the program included Burgess Meredith, Orson Welles and Gregory Peck. Albert Dekker, the actor-legislator, made the collection speech. A captured Nazi flag was spread on the platform and was covered with checks and currency, more than $10,000 being contributed that night to organize a fight against native Fascism.

That $10,000 later turned out to be an embarrassment. The organizers of the meeting had never expected to raise any more than would be necessary to pay for the meeting itself. However, since such a large surplus had been accumulated, various organizations started asserting their claims to it. The organizers of the Mobilization for Democracy finally settled the problem by making their own organization permanent and keeping the money.

Another meeting of the Mobilization was held on August 26, at the Los Angeles City College. This was attended by Mayor Bowron and many city legislators. The star of the occasion was Colonel Evans Carlson. I had not heard him speak in public before. I discovered that he was the only man in California public life who was literally able to move his hearers to tears. He told how he had led men to their deaths in a war to end Fascism, and

that the sacrifice would all be wasted if Fascism could be revived by men like Gerald Smith, preying upon latent bigotry and prejudice.

A few weeks later I attended a sheriff's zone meeting in Markleyville, Alpine County. This is the smallest county in the State with no more than 50 voters. However Colonel Carlson's father, Rev. Thomas Alpine Carlson, had been the first white child born in Alpine County and I wanted to visit the place to gather some local color for his son's campaign.

On July 27, 1945, liberals in the United States were greatly heartened by the Labor Party's victory in the United Kingdom, which made Atlee the Prime Minister in place of Churchill.

On August 6, 1945, Senator Hiram Johnson died. While I was listening on the radio for the details of the Senator's death, the news kept coming over about a new weapon that had been exploded at Hiroshima that day. It was the atomic bomb.

I had made arrangements some weeks before for an August meeting in Fresno with Robert Cozzens of the War Relocation Authority to visit the areas where returning Nisei had been victims of scare shootings. Bob Powers and I joined Cozzens. The day we had selected turned out to be V-J Day. Our party visited many homes where rifle bullets had pierced the walls. It was a touching experience. In all of these homes, the radios were on, and the occupants were listening delightedly to the news of V.J. Day with the hope that it meant the end of the persecution they had suffered ever since Pearl Harbor. No one was injured by any of these vigilante shootings but there had been many narrow escapes.

On August 30, the Democrats of San Francisco held their annual Jefferson Day dinner at the Palace Hotel. The principal speaker was Governor Robert Kerr of Oklahoma, who had been the keynoter at the Democratic national convention in Chicago. A few days later, Governor Kerr and I visited the Oakland Democratic Club for luncheon. The Governor observed that the Democrats there were trying to draft me to run for Governor. He urged me to run.

On September 14, a unique experiment in law enforcement took place in Richmond, California. A police seminar on race relations was held there. There had been some racial incidents in Richmond, a town that had greatly expanded during the war. Bob Powers conducted this seminar with Davis B. McEntire of the American Counsel for Race Relations. Based on this seminar, We published a booklet entitled "A Guide to Race Relations for Peace Officers." This was widely distributed throughout the country to police departments in areas where racial tensions existed.

On September 29, 1945, the San Francisco Chronicle held a forum to which it invited speakers from all political groups. In my speech, I called attention to the fact that California's manufactured products increased from less than three billion dollars in 1939 to eleven and a half billion in 1944. In five years California had converted its economy from that of a predominantly agricultural state to a predominantly industrial region. We therefore had a complex conversion problem, differing from any other part of the county. I said, "To my mind, we Californians no longer have a choice. We must either grow, go forward to prosperity, expanded native

industry and full employment -- or we bring upon oursleves our own extinction. Events have caught up with us. We must adopt a course of planned, cooperative and conscious progress."

In October, I was invited by Chief Justice Phil Gibson to address the students newly admitted to the Bar. I told the new lawyers that: "I wish that when I had been admitted to the Bar somebody had told me not to be awed by legal print, by the mountains of judicial opinion, and the piles of legislative enactments. I wish it had been pointed out to me at that time that all of these tomes were the products of people, had in most cases quite recently elbowed out earlier books, and would in many instances soon be crowded out by fresh things that the people wanted. It usually takes a number of years before the practitioner achieves just the right proportion of respect for the utterances of the sovereign state and irreverance for the transcience of its usefulness."

I was absent from California for a six week period beginning October 15, 1945. My trip took me to Mexico City, Panama, Santiago, Chile, where I attended another convention of the Inter-American Bar Association, Buenos Aires, Rio de Janeiro, Washington, D.C., Jacksonville, Florida, where I attended the annual convention of the National Association of Attorneys General and finally, back to Los Angeles by way of New Orleans.

At the Santiago convention there were no repetitions of the incident of the Chamizal resolution. The administration of the Bar Association had amended the rules so that no resolutions could be introduced at the convention without at least 30 days previous notice. This blocked the efforts of

some delegates who had hoped to do a little Yankee-baiting by introducing a resolution in favor of granting Puerto Ricans a plebiscite on their right to independence.

I found many new friends among the law faculty of the University of Chile. The law was not taught there as an isolated science, but as a component of the other sciences. The Chilean law professors had long ago given up the siesta. After being out with some of them until late hours I heard a knocking at my hotel room door early the next morning. It was Professor Figueroa, who taught medical-legal subjects. I had forgotten his invitation of the night before to go on a Sunday picnic with one of his classes. The students collected in two or three automobiles and we drove out of the city to the grounds of the State Insane Asylum. There, in the presence of many of the patients, the student lawyers proceeded to barbecue the goat, open wine and enjoy an al fresco banquet. The inmates mingled freely with us. Professor Figueroa explained that this was good therapy both for the patients and his students, who would learn something about the actual nature of mental disorder.

While in Santiago, I advanced my idea of forming an international bar association of liberal lawyers somewhat similar to the National Lawyers Guild. I also promoted this project with the liberal lawyers of Buenos Aires and Rio de Janerio. The idea was received with considerable enthusiasm. Nothing came of the plan, however, because cold war tensions started mounting almost immediately. Liberals began to fear associating with other liberals, particularly on international basis.

I spent ten days in Rio. Duncan Aikman, who had written a book on South America a few years before entitled "The All American Front," had been with me in Panama. He came down to Rio to join me. One day he asked me to come over to the U.S. Embassy to meet an old friend of his who was the Counsellor there. I had forgotten that the Ambassador was Adolph Berle with whom I had had such difficulty over the Lawyers Guild five years before. When I arrived at the Embassy there was no way to prevent him from taking me to meet the Ambassador. I tried to keep our conversation on neutral grounds, but it was only a few minutes before Berle congratulated me on my political success in California, and added: "I suppose there must be a very large Communist vote there."

I told Berle that during the Mexican Water Treaty fight I found that he made more sense than any other man in the State Department. I told him that I also admired him for his writings on the American corporate system. However, when it came to politics, I said I thought he was demented upon the subject of communism.

Drew Pearson's column in the L.A. Daily News on December 3, reported subsequent events:

"On a tour of Brazil, Kenny made the rounds of Rio de Janeiro, found Brazilians perplexed at the way the eccentric United States Envoy operates. 'Tell me, Mr. Kenny,' one Brazilian asked, 'how come Mr. Truman lets Berle stay on here as Ambassador?' Kenny was all primed for the answer. "You see, my friend,' replied Kenny, 'when Mr. Truman took over, he had just seen a delightful show on Broadway called "Springtime

in Brazil," starring Milton Berle, who he thought was very good and very funny. Well, when he looked over the list of his ambassadors and saw that Berle was representing the United States in Brazil, he thought it was an excellent choice. You see, no one has told Truman yet that it isn't the same Berle.'"

The Attorneys General convention at Jacksonville provided an occasion for me to mobilize the states against the federal government's suit against California on the tidelands. I convinced my colleagues that similar encroachments could take place in their own jurisdictions wherever the federal government wanted to lay claim to the lands below navigable waters. Tom Clark came to the convention in his new capacity as Attorney General of the United States. Although we had long been friends during the years he was Assistant Attorney General, he greeted me with unexpected coolness. The federal-state fight apparently had extended to our personal relations. The delegates accepted my invitation to hold their 1946 convention in Los Angeles.

During my absence from California, a development took place of which I did not approve. Gerald L. K. Smith had returned to California for additional meetings. In fighting his brand of native fascism, I did not think that liberals should ever adopt fascist methods of censorship. The mass meetings of Mobilization for Democracy had been designed as counter-demonstrations. However, while I was in Latin America, many of the liberals of Los Angeles staged a fiery protest against the city school board for permitting Smith to speak at the auditorium of Polytechnic High School. The

Los Angeles School Board permitted the Smith meeting to go forward. However, the San Francisco Board capitulated to "liberal" protests. The State Supreme Court held that permission could be denied on school days but not on weekends when there could be no interference with classes. In the following year, the Supreme Court clarified this decision with an opinion that furnished a valuable precedent in subsequent years, Danskin v Board of Education (June 26, 1946 28 Cal 2d 536). Liberals were reminded that the right to speak belongs to those with whom they disagree, not merely to those who agree with them.

During my absence, the executive council of HICCASP adopted a resolution on November 18, 1945, calling for a draft of me as "the only logical candidate to defeat Earl Warren in 1946."

When I finally reached home, I was interviewed by the San Francisco Examiner, which reported on December 4, 1945 that I had found awaiting me "a noisy 'draft Kenny for Governor' campaign" that had been started in the CIO press. "The Democratic Party big wigs are busy thumping the tub for him, and Southern California Democratic legislators are getting up a petition urging him to run." The Examiner said I retained my composure and said that there had been no change in my belief that anyone who ran for governor ought to have his head examined. "'I haven't got this job even half licked yet,' Kenny modestly asserted."

A few days later it was announced that I would be co-chairman with Bartley Crum, of a non-partisan state-wide emergency legislative conference to be held in Sacramento January 5 and 6th. The Associated Press

on December 5, said: "He (Kenny) does not expect a new political party will be born at the conference, but out of it 'will come a yardstick for the measurement of progressivism in California.' Primarily the objective will be to exert pressure on the legislature on the subjects of full employment, child care, housing, fair employment practices and other issues which failed at the last regular session.

"'As I see it, this conference will give Governor Warren a great opportunity to grab a popular and progressive program and have some re-organized support, if he adopts it.'

"Asked if he might head the progressive program as a candidate for governor, Kenny said: 'We will cross that bridge when we come to it."

"All the newspaper morgues in California are full of Kenny statements that he is not running for governor; he is running for re-election as Attorney General."

The United Press that day reported me as saying that I thought that Senator Downey would run for Governor on the Democratic ticket and that I had joined others in urging Downey to run:

"Kenny, whose political plans created a guessing game in the State, talked readily about next year's election, but he was more interested in the legislative conference scheduled to precede a special legislative session next month."

On December 16, I attended a Los Angeles meeting of Youth for Democracy. The theme was "Welcome Home, Joe." Colonel Evans Carlson made a magnificent speech on the right of returning veterans to

live in a democratic society. When Dorothy Parker introduced the Colonel, she referred to his "rag rug." Colonel Carlson had so many ribbon decorations on his chest that it did resemble one. Ingrid Bergman was one of the many Hollywood personalities at this banquet. In those days, liberalism was definitely "in," in Hollywood.

On December 29, 1945 there was a caucus in Fresno of Democratic State Central Committee members for the purpose of drawing up a slate of candidates for the June, 1946 primary. The meeting was augmented by many persons who were also in Fresno to complete plans for the Emergency Legislative Conference. Senator Downey and State Chairman William Malone were there. Senator Downey said he might run for governor on a platform of creating an emergency commission to handle California's peace-time problems should the 1946 special session of the legislature fail to produce satisfactory results. I urged Senator Downey to seek the nomination and promised him my support if he would run.

Roland McNitt, chairman of the Los Angeles County Central Democratic Committee reported to Kyle Palmer, political editor of the Los Angeles Times, that while he was disappointed that the Fresno committee had not drawn up a 1946 slate, he said "I am certain that we will still have a slate of candidates for state-wide offices. The majority sentiment at Fresno was for the idea, but Malone felt that it was not the thing to do for the State Committee to express a preference in the primary. We will develop a technique, some form of a state-wide caucus, to do the work."

Kyle Palmer, reporting an interview with McNitt in the L.A. Times of

January 1, 1946, said: "Asked about reports that Senator Downey's move for the gubernatorial spot rather flattened out at Fresno and that the big sentiment was for Kenny, McNitt's only observation was that there was plenty of Kenny sentiment. He would not comment on Downey's fate."

Palmer closed the interview with some predictions of his own: "We will stick with our original prediction of a couple of months ago: If the CIO can't make Kenny run, nobody can. The CIO wants him to run. We will also stick to our own prediction of old that Representative Ellis Patterson will run for U. S. Senator."

On December 29, Nate White of the Christian Science Monitor, had the following to say: "The biggest political question mark in California right now is the very personable, popular, and unassuming Attorney General Robert W. Kenny.

"This young businessman-lawyer, a member of Republican Governor Earl Warren's 'nonpartisan' State Administration, is extremely popular with labor, and well-liked among politicians, members of his own Democratic Party, and members of the 'big business' world.

"Bob Kenny is, in one sense, the current Calvin Coolidge of California politics. He simply doesn't 'choose' to run for Governor next year, although pressures from highest, lowest, and middle levels are being brought upon him. An increasing number of people and organizations would like to "draft Kenny," as evidenced in the recent meeting here of the State convention of the California Congress of Industrial Organizations.

"Meanwhile the Kenny situation is disturbing politicians of both parties

and the'nonpartisans' because they recognize Judge Kenny's great popularity and vigor. Certainly he has demonstrated he talks the language, and acts the acts of the common man. He doesn't mince words. He is a liberal and he admits and advertises it.

"'The present moment indicates that we still live in a major continuing crisis whose stakes are total victory, or, reaction and death,' Attorney General Kenny recently told labor.

"'To carry on the struggle for the future, we must recognize the enemy here in the present,' he warned. These are the reactionary thinkers who employ political indifference of the people, national disunity, and economic monopoly to achieve their power. Mr. Kenny calls them the 'tin-pan alley crowd of disrupters, defeatists, and dollar-grabbers.'

"'When you poison the mind, when you create distrust and suspicion among men, when you set parents against children, worker against worker, farmer against industry, when you create sectional differences, when you play the Negro against the white, employed against unemployed, veteran against civilian, then you have created the conditions for destruction on a scale no atom bomb can match,' the Attorney General said.

"He called for unity within the ranks of labor as 'the absolute condition for democracy in America,' assailed 'Jew-baiting, Negro-baiting, labor-baiting,' urged recall of United States Marines from China, opposed use of American lend-lease materials against the Indonesians, and the use of American influence to 'perpetuate the colonial imperialism of Great Britain.' He called for political action by labor and 'pigeon-holing of the

pigeon-holers' of legislation introduced in State and Federal legislatures for the benefit of working people."

East-West tensions were temporarily eased by the Moscow meeting of Secretary Byrnes, Ernest Bevin and Molotov in December 1945. It appeared that Byrnes had made a tactical retreat from the "get tough with Russia" line he followed at the London Conference of Foreign Ministers in September, 1945.

Domestically, there were also encouraging signs that the Roosevelt coalition would be maintained. Both President Truman and Secretary Byrnes had spoken in favor of the Wagner-Murray Full Employment Bill - the program of 60,000,000 jobs advocated by Henry Wallace.

A COALITION DISINTEGRATES - 1946

Bartley C. Crum and I were co-chairmen of the emergency legislative conference held in Sacramento January 5th and 6th, 1946. In attendance there were 699 elected delegates from 366 civic, labor, farm, church and veteran's organizations. Several hundred observers were also there. It must have been a disturbing spectacle for the reactionaries of the State.

The opening session was broadcast state-wide by CBS.

"By 1946," I told the delegates, "our problems have become raging difficulties. Not enough houses for our families and our veterans. No guarantee of employment. No plan for reconversion. No protection of our minorities. A limping social security. A disregard for the welfare of our children.

"Meeting here today and tomorrow, representative citizens of California will draw up a definite series of proposals, which if made law, will organize the human and material resources of California to meet our most pressing needs. The farmer, the worker, the housewife, the mother and the child, the businessman, and the veteran will have their problems integrated into a single pattern of progress and security."

The sponsors of the conference included a wide spectrum of the leadership of California: Joseph A. Ball, Long Beach attorney, Professor Thomas Barclay of Stanford, District Attorney Edmund G. Brown, of San Francisco, Colonel Carlson, Phillip Connally of the State CIO, John Cromwell, Hollywood director, Mrs. Harriet Eliel, San Francisco, Supervisor John Anson Ford of Los Angeles, Judge Thomas L. Griffith, Jr. of

Los Angeles, Norman Huston, Los Angeles insurance executive, Professor Alexander Kidd, Berkeley, Cyril Magnin, William Malone and Supervisor Dewey Meade of San Francisco, Patrick W. McDonough, Oakland industrialist, Roland McNitt of Los Angeles, Judge Edward Murphy, of San Francisco, Oscar Pattiz, Los Angeles insurance executive, Mrs. Charles Porter and Senator Jack Shelley of San Francisco. The conference divided among seven panels for the work of analyzing the most urgent problems facing California.

The panel on Full Employment called for the adoption of a state Full Employment bill to augment the Murray-Wagner bill then pending in Congress, a minimum 75¢ wage law, and a state-financed housing program under a state housing authority. This panel also proposed state operation of a system of FM radio stations for education.

The panel on Social Security proposed extension of unemployment insurance coverage to agricultural, domestic, public and non-profit organization employment. The minimum age for old age pension should be reduced from 65 to 60 years of age, and the minimum payment raised from $50 per month, to $60. The Governor was requested to include health insurance in his call for the special session.

The panel on Housing and Community Redevelopment was chaired by Langdon W. Post, Regional Director of the Federal Public Housing Authority. It recommended outlawing racial restrictive covenants, and to make it a misdemeanor to discriminate in the sale, lease or renting of housing accommodations. It recommended state rent control, if the Federal

government dropped it for the erection of permanent dormitories and family units to meet the expanding needs of the state educational institutions.

The Veterans Affairs panel recommended an increase of California Veterans' loans to $10,000 for homes and $15,000 for farms or business purposes, with the reduction of maximum interest rates from 4% to 2-1/2%. The Legislature was asked to memorialize Congress to include in the Federal GI Bill of Rights a provision that no funds be granted to educational institutions discriminating on the basis of race, creed, color or nationality.

The establishment of a statutory right to equality of job opportunity was urged through the creation of a state agency with power to eliminate and prevent discrimination because of race, religion, color, national origin or ancestry, through conciliation, education and legal procedures. The campaign for a proposed FEPC initiative was endorsed.

The Urban-Rural Relations panel was chaired by George Sehlmeyer, Master of the California State Grange. It considered the lack of understanding existing between farmers and urban people regarding problems affecting their joint welfare. Joint conferences to overcome this condition were recommended. It urged support of the program of the Bureau of Reclamations program for the comprehensive development of all of the water resources of the Central Valley. This program would provide the multiple benefits of irrigation, municipal and industrial water supply, power, flood control, navigation, salinity repulsion, development of fish and wild life resources and recreation.

The Child Care panel recommended state support for child care centers

for all working mothers and all mothers incapacitated by illness.

In its concluding session, the conference adopted a resolution calling for an abolition of the Tenney Un-American Activities Committee because it was "fradulently misusing its powers, utilizing undemocratic methods and practices to spread fear and confusion in the ranks of progressive individuals and organizations and those who believe in academic freedom."

I made the closing statement for the conference over state-wide radio saying: "I do not think we are going to lose the battle for peace and plenty. If these past two days in Sacramento are any indication of the months to come, then the hundreds of organizations represented here have joined ranks, consolidated forces, and are prepared to wage a relentless battle against economic chaos, indifference to human needs, and social selfishness. Let us tell ourselves what victory means. It means for Californians: Jobs, homes, security in childhood and old age, equality and dignity. Defeat for us means a return to a California which is a colony of Eastern monopoly, a California that cannot support its present population, a California undeveloped, unhappy, insecure. Defeat will bring about all the attendant evils of such a condition: Unemployment, racial stress, social tensions, all the horrors which America experienced long ago in the unhappy decade following 1929.

"We cannot afford to be defeated within in America anymore than America could afford to be defeated by the Axis."

The following Sunday, January 13, Kyle Palmer, political editor of the Los Angeles Times had this to say: "A plump, short, affable wise-

cracking product of California's muddled politics -- Attorney General Robert Kenny, who began his career as a conservative and may end it as a leader of the left -- appears to be on the verge of precipitating one of the hottest and most embittered contests in the State's political history.

"While continuing to veil his plans behind a demeanor which can be described only as coy, Kenny in Sacramento during the last few days has given every indication of being in the state of mind of a man who has reached a momentous decision.

"Long a holdout against increasingly insistent demands that he become the Democratic party's man on horseback in California, Kenny has yielded at least to the extent that he is looking over a collection of bridles and saddles deemed fitting for one who expects to ride in an important race.

"In fact, to all intents and purposes, Kenny has decided to become a candidate for Governor against Earl Warren.

"And while he will have the good wishes and active support of many conservative Democrats, Kenny, as the Democratic gubernatorial nominee, will spearhead the hopes, dreams and designs of a bewildering assortment of left-wingers, pinks, CIO, extremists, Communists and self-styled 'liberals.'

"Professional politicians in his party will rally to Kenny almost to a man, but his close association with the C.I.O. and its Political Action Committee, along with the marked enthusiasm for his candidacy among extreme radical elements, will lose him the support of a very large block of Democratic party regulars.

"Both by Republican and Democrats, Kenny is regarded as the only individual likely to give Governor Warren a real tussle in the November runoff. If clamor and ballyhoo can determine a political contest, Kenny will have an edge."

Early in February, I went to Washington. The Senate Judiciary Committee was then considering the Federal legislation which would grant to the states a clear title to their tidelands. Secretary of Interior Harold Ickes was my principal opponent in this fight. I found it very difficult to oppose Ickes. He was a master of public relations. Anyone who ever opposed him was ipso facto a crook, furthermore, he could prove it.

Ed Pauley was one of those aligned with me and against Ickes in the tidelands fight. During Roosevelt's regime, Pauley had become National Treasurer of the Democratic Party. Roosevelt admired the way Pauley had lifted the burden of deficit that had always hung over the Democratic National Committee. One of the ways that Pauley accomplished this miracle was by obtaining large contributions from the oil companies. During all of those years, the Federal claim on the tidelands remained merely an unexercised threat. However, with Roosevelt dead, Pauley's contributions were forgotten by Ickes.

President Truman appointed Ed Pauley assistant Secretary of the Navy. When his name came up for confirmation in the U.S. Senate Committee on Naval Affairs, Harold Ickes appeared before the committee on February 2, and opposed Pauley's nomination. Ultimately, President Truman withdrew Pauley's name at the latter's request on March 13, 1946. Ickes' resignation

had been accepted on February 12, 1946.

On February 15, I presided over a National Lawyers Guild dinner given in Washington in honor of Chester Bowles. For several weeks prior to the banquet there had been some doubt as to whether or not President Truman would appoint Bowles to Byrnes' old post of Director of Economic Stabilization. He finally acted on the afternoon of the banquet, giving Bowles the appointment. In introducing Mr. Bowles that night, I said I was reminded of an old comic strip character and referred to the President as "Hairbreath Harry." The Lawyers Guild was still in good standing and the meeting was attended by most of the former New Dealers. Governor J. Howard McGrath, then Solicitor General of the United States, was one of those in attendance.

On February 19, Assemblyman Thomas Werdel, of Bakersfield, introduced a resolution condemning me for lending my name and prestige to subversive groups. Assemblyman Walter Fourt of Ventura, Warren's floor leader, opposed it. The resolution condemned me in particular for sponsoring the Mobilization for Democracy, since some of the other sponsors were "Communist Party members, fellow-travelers, window-dressers and leaders expounding the doctrine of confusion." The text of the resolution declared that subversives seek to confuse issues by advocating such objectives as child care and veteran's legislation. Assemblyman Robertson of Santa Barbara, hooted at this argument and said that these were items that were included in Governor Warren's call for the special session. The resolution was defeated 19 to 57. The 19 "aye" votes all came from Republicans, but

20 Republicans voted "no."

Upon my return from Washington, I told the L. A. Times that my mind was still not made up on the race for Governor and that I would not reach a decision for another two weeks. The Times reported that my continued indecision "came as a distinct surprise to those who have been assured by local Democrats and their CIO allies that Kenny positively had agreed to enter the governorship contest. Until Kenny dropped his miniature political atom bomb into the camp of those who have been attempting -- with minimum success -- to write a so-called 'harmony slate' of candidates for national and state offices, plans have been going ahead for publication of the harmony selections with the Attorney General's candidacy for governor heading the list. According to some members of the harmony faction, when informed of Kenny's current position, he is so far committed to the matter that a withdrawal at this time for any reason would be so unfavorably received as to make it impossible for him to be re-elected to his present office. Serenely indifferent to the consternation his announcement created, Kenny said he was to find out a few things for himself before taking the final plunge. Conjecture as to possible reasons for Kenny's indecision included the possibility that the politically astute Attorney General is anxious to discover the effect upon California politics of the controversy now waging in Washington around his friend and political ally Edwin W. Pauley."

In the L. A. Times of February 3, Kyle Palmer reminded his readers that Hiram Johnson was the only Governor who had ever managed to win a

second term, and that Earl Warren now faced that jinx in 1946. Palmer said all indications pointed to an early announcement by me that I would oppose Earl Warren.

"The reason? Or reasons?

"Well, a part of the explanation is found in the anxiety of the professional Democratic politicians to hold California in line when the next President of the United States is chosen. They feel they will stand a better chance in 1948 if a Democratic Governor is elected in California this year.

"From such a standpoint, their reasoning is sound. By itself, however, this argument is not likely to have moved Kenny to adopt a course avowedly so distasteful to him.

"The fact is that Bob Kenny, originally a conservative in politics, has become a sort of Bright Boy in the political plans and program - not of regular and traditionally loyal Democrats - but of the leftish groups which have moved into the Democratic party and now threaten to take it over lock, stock and barrel.

"If you were to look around this State for a man who can turn your suspicions aside with a friendly jeer or apt wisecrack, who can make you seem ridiculous to yourself for even suspecting he has ulterior motives or, perhaps, to close sympathies with extreme leftists, you could begin and end your search with Smiling Bob.

"He is equally at ease in the California Club or in the councils of the C. I. O. and its Political Action Committee. Yet it is the C. I. O. leadership in State and country which has found in Kenny a fine stalking horse, and it

is this leadership, rather than the top Democrats, who have virtually forced Kenny's hand.

"Kenny has a ready and a stock answer to leftist friends who question his friendships among 'economic royalists,' and, oddly enough, he gives the same rejoinder to the conservatives who chide him for his radical associations.

"'Elect me,' says Smiling Bob in effect, 'and you will have a man who can control those elements.'

Later that month, Kyle Palmer made another political prophecy. Under the heading "Warren Can Win in June" Palmer said:

"This year Warren, a candidate for re-election, seems likely to have Attorney General Robert Kenny as his Democratic opponent.

"Warren can polish Kenny off in the 1946 primaries if his advisers conduct their campaign wisely and agressively.

"His own following, having - as its leaders believe persuaded him against his inclination to abandon the office of Attorney General and enter the Governorship contest against Warren, is both perturbed and resentful as a result of Kenny's persistent refusal to make any public statement of his intentions. Conservative Democrats of the nonprofessional variety will be against Kenny from start to finish.

"In confidential discussions of Democratic leaders and C. I. O. Political Action groups, Kenny is being roundly denounced as a prima donna, a political opportunist who thinks solely of his own personal ambitions, as one whose commitments - 'in the presence of witnesses' - are not

dependable.

"Many of the offside remarks accompanying such coversations are not printable.

"His ultimate decision to contest with Warren will find this dissatisfied, disaffected and decidedly suspicious coalition lined up, nevertheless, to elect him and to sweep into office at the same time various other handpicked candidates. Any last-hour declination by Kenny will merely add to flames already flaring high and hot."

In the midst of all this speculation, I received an invitation from Justice Robert Jackson to visit Nuremberg as an observer of the war crimes trials. Martin Popper and I were invited as official observers for the National Lawyers Guild along with two representatives of the American Bar Association. The United Press dispatch for February 28, said: "Kenny's decision to go to Germany at this time prompted speculation that the Attorney General, who has frequently expressed a reluctance about seeking the Governor's nomination because he likes his present position, might be giving the Democratic Party an opportunity to select another candidate."

However, before I left for Germany, the so-called "Harmony forces" in the Democratic Party insisted that I sit with them to make out a slate of candidates for the 1946 primary. The meeting was held in the Attorney General's office of San Francisco, in late February. It was a political disaster, since we failed to recognize that a "harmony slate had become impossible."

The Democrats could only win in California in 1946 if a coalition was preserved, embracing the entire political spectrum. This had been the essential ingredient of the 1944 victory. But, in 1945, the Communists decided to end their wartime collaboration. They overthrew Earl Browder, who long had advocated a coalition of all progressive forces. "Independent" political action became their watchword. I called it "misplaced militancy." At the same time, many organization Democrats were also anxious to see the end of this uneasy partnership. They suspected, with considerable justification, that the egg heads and radicals wanted to supplant their leadership.

The candidacy of Colonel Carlson for U. S. Senator had seemed the perfect solution to maintain harmony. He was acceptable to the Left and the Right was unprepared to oppose the political mystique of an undeniable hero of the war just fought and won.

But Colonel Carlson was then a dying man. In January, 1946, he told me that his physicians forbade his entry into the race. His war-time injuries were far more serious than they were first believed to be. He died later that year.

Upon Carlson's withdrawal, it was my happy inspiration that Lt. Col. James Roosevelt, who had served under him, should take his place as the candidate. Manchester Boddy of the L. A. Daily News also urged Roosevelt to run. At that time Roosevelt was a paid executive of HICCASP. However, Roosevelt declined to enter the race.

With these two broadly acceptable candidates out of the race, the Left then insisted that Rep. Ellis Patterson become the candidate. Ever

since Patterson had bolted the Roosevelt slate in 1940, he was anathema to the regular Democrats. He would not fit on any "harmony" slate.

I then had my final inspiration for a solution but it did not turn out to be a happy one. I hit upon Will Rogers, Jr., as the candidate. Bill had fought Martin Dies during the 1943 session of Congress. He had surrendered his seat in the House to enter the Army and had recently returned from overseas with a fine war record.

Rogers' enlistment had created a vacancy in the House to which Ellis Patterson had been elected in 1944. This was a real reprieve for Pat, who had been out of public office since his defeat for Lieutenant Governor in 1942.

I had the naive belief that Patterson would feel himself under deep obligations to Rogers for giving him this chance to make a comeback. I therefore invited Bill Rogers for lunch and urged him to enter the race for the U. S. Senate. He accepted readily.

The leak in this wonderful arrangement was that Patterson stayed in the race. I should have remembered that gratitude in politics is a keen sense of favors to come.

Therefore when the "harmony" caucus met in my San Francisco office in late February, 1946, we had two senatorial candidates on our hands. Representatives of both Rogers and Patterson were present. Neither candidate would withdraw.

I tried one final solution. This one was a fatal political blunder. My luck as a coalitionist finally had run out. The "solution" which solved

nothing, was that we select a harmony slate but with two candidates for U. S. Senator. "A package deal with an option," was the way I described it.

I had been carried away by the blind optimism that afflicts candidates for public office. Anyone retaining his normal political sagacity should have recognized that if party discipline was insufficient to enforce a decision for a single Senate candidate, then there should not be any slate at all. It was a question of whether group action or individual action should control.

My solution was accepted by the caucus that night. The slate finally selected had me on it as the candidate for Governor, and Senator Jack Shelley, Lt. Governor. I insisted that there be one woman on the slate and Lucille Gleason, wife of James Gleason, the actor, was selected as the candidate for Secretary of State. She had made a brave race for Assembly in a Republican district in 1944.

There were two good men available for designation as Attorney General on this slate - Edmund G. "Pat" Brown, District Attorney of San Francisco and State Sen. Oliver Carter, son of Supreme Court Justice Jesse Carter. I threw my weight to Brown and he was selected by the caucus.

These four candidates, - Kenny, Shelley, Brown and Gleason formed the basis of a unified Democratic campaign, and our names were carried jointly on all of the literature subsequently issued during the primary campaign of 1946.

No slate candidate was selected for Controller. State Senator

Thomas Kuchel had recently been appointed to this post by Governor Warren, upon the death of Controller Harry Riley.

The race between Patterson and Rogers provided the side show that took all the customers away from the main tent. All of my efforts to consolidate the Democratic Party in 1944 disappeared when the real split developed between the left wing adherents of Patterson and the conservative Democratic adherents of Rogers. Rogers was not really a conservative. As a freshman Congressman, Bill had led a fight against Martin Dies and his un-American Activities Committee in February, 1943. The inevitable polarization of political sentiment occurred, and Rogers was drawn more and more to the right as the campaign continued. It soon became apparent that Rogers was also going to win. Much of my labor support was drawn into a desperate effort to save Patterson.

For several years, I had always taken my own post card straw votes to determine the outcome of elections. My own poll demonstrated that Kyle Palmer was right, that Earl Warren was going to beat me for the Democratic nomination. It was in vain that I showed these findings both to the Patterson supporters and the Rogers supporters. I was assured by both that I should not worry, and that they would reunite immediately after the primaries. This was obviously wishful thinking. Political scars are never that quickly healed. All my efforts for four years to bring about a coalition of all wings of the Party were destroyed in that spring of 1946.

On March 5, 1946, I went on the air to announce my candidacy for Governor and the formation of the slate. I tried to brush the Patterson-

Rogers split under the rug with the statement that: "The leadership of this state had pledged that the candidates for the U. S. Senate will conduct their campaigns with the proper attitude of mutual respect that one progressive owes another, and that the natural aggressiveness of such candidates will be directed to the Republican opposition and not to candidates or leaders within their own party. With this kind of ticket and agreement I am confident that we will all be able to campaign together joyously and hopefully in 1946."

The subsequent campaign was hopeful enough but certainly not joyous.

On the following day I left for Germany. The visit to Nuremberg was important to me as a lawyer interested in international cooperation. The prosecution and judges represented four different legal systems - British, American, French and Russian. The lawyers of these four nations were able to work out understandings so that all four legal systems were welded harmoniously together. Ever since the U. N. meeting in San Francisco, I had been working on the formation of an international association of lawyers. The Nuremberg trials demonstrated to me that the legal profession easily adapted itself to international cooperation. Lawyers are trained in the settlement of controversy.

My first day in the old courthouse at Nuremberg was the one on which Herman Goering was being cross-examined by our prosecutor, Justice Jackson. Goering knew that under the English and American systems, a witness always has a right to explain his answer.

Jackson asked Goering if it was true that the German General Staff

already had a plan for invading Russia -- Plan Barbarossa - at the same time that Germany had made its August 1939 agreement of friendship and amity with Russia. Goering replied affirmatively and then asked if he could explain his answer. Over Jackson's objections, the judges ruled that he could. Goering then said, "Yes, it is true that we had the Plan Barbarossa, but it is also true that the American and British General Staffs both have plans to invade each other's countries. This is the practice of all general staffs."

The court adjourned for the day and I walked out with Jackson. He was furious with our American judges for ruling against him. Our judges were Francis Biddle, former Attorney General, and Appellate Judge John J. Parker of North Carolina. I tried to mollify Jackson. I told him that he had been on the bench too long to be an advocate. After all, this was a police court trial, and he should use police court tactics.

The following day it was the turn of the British prosecutor, Sir David Maxwell Fyfe to cross-examine Goering. He phrased his questions with great civility, but in fact, he was really as hard-nosed a police court practitioner as ever badgered a witness. He would say, "Now, Mr. Witness, I wish to be perfectly fair with you," and then ask a question compared to which "Have you stopped beating your wife?" was a paragon of fairness.

Sir David asked questions of Goering which could not be answered with any "explanation." He pursued Goering about the executions of British flying officers following attempts to escape prison camps. Goering prided

himself as an officer and a gentlemen, despite his present fall of estate. He readily conceded to Sir David that it was the duty of an officer to try to escape, and that he should not be punished for attempting to do his duty. He attempted to shift the blame for the executions upon the SS Guards, but was forced to admit that the camps where the executions had taken place were camps controlled by the Luftwaffe, which was under his special command. Goering then offered the lame excuse that the executions had occurred when he was "on leave," but then had to admit that at all times he could have been reached by long distance telephone. Sir David continued crowding him, and Goering then said that the executions had taken place upon the direct order of Der Fuhrer. Goering said that he had protested this so violently that Der Fuhrer would not speak to him for several months.

This was the first break in Goering's constantly expressed loyalty to Hitler. Sir David attempted to exploit it: "Now, Mr. Witness, do you want to retract now any of your previous statements about your unwavering loyalty to Der Fuhrer?"

It was Goering's chance to re-establish himself as an officer and gentleman.

"In the good days, Der Fuhrer was my friend. Now that the bad days have come, I will not say one word against him."

Upon my return to California, my first act was to take District Attorney Brown to Los Angeles to introduce him to my friends in the South. The Daily News published a picture of Brown trying out for size my chair in the Los Angeles Attorney General's office. Brown and I told reporters

that all the Democratic candidates were going to campaign through a central headquarters for the entire ticket and not set up separate campaign offices as the Republican candidates had done.

In this same interview, I spoke of what was going on in Nuremberg: "The inter-allied trials are showing Hitler to be just what he was, a tragic clown. What is being done at Nuremberg should have been done to Napoleon 120 years ago. They merely exiled Napoleon after he brought ruin to a continent. Napoleon was the same kind of a gangster that Hitler was. But Napoleon was not put on trial. Because legal processes were not used against Napoleon his deeds were glamorized and he became a hero to many. We are now engaged in making Napoleonism disgraceful so that no man like Napoleon or Hitler will ever be popular again if he follows their example. History is going to be straight on that score hereafter."

On April 19, I made a campaign speech on the educational crisis, pointing out that 120,000 veterans were expected to apply for 48,000 class room vacancies. I blamed the Warren administration for not having met this emergency.

On May 4th, at a campaign lunch meeting at the Palace Hotel, I took a leaf out of Hiram Johnson's book and said the slogan of the campaign should be "Kick the P. G. & E. out of politics in California." In announcing our strange bifurcated unity slate, I had described it as a "package deal with an option." This phrase had been seized upon by the opposition as something sinister. At the Palace luncheon I said: "We're proud of what we have in our 'package' but you'll notice Governor Warren isn't saying what

he has in his. He doesn't have to tell us, because we know. We know he has such choice morsels as the National Association of Manufacturers and the Pacific Gas and Electric Company.

"Warren had the greatest opportunity any Governor ever had to streamline our horse-and-buggy state government. Back in 1937, nearly ten years ago, business men of the State recognized the necessity of lowering the cost of government. With their own funds they hired Griffenhagen and Associates to make a survey. The result was a series of recommendations on state government, which eventually became known as the Keesling Report. While I was State Senator, I battled to convert that report into law. But we then had a Democratic Governor and a Republican Legislature and the Republicans immediately howled that it was a Democratic plot to oust Republican job-holders.

"When Warren came into office, he had his own Legislature. He had a great opportunity to put into action the recommendations of the report because we were at war and there was a man-power shortage. But did he make any attempt to streamline the State government? For four long years the Keesling Report, the product of the best Republican minds in the State, has gathered dust on Governor Warren's desk.

"Warren's slogan on his billboard is 'Let's keep a good governor.' What's good about a governor who ignores the serious recommendations of the most responsible members of his own party?"

Other speakers that day were Shelley, Brown, Mrs. Gleason and the battling candidates for senator - Rogers and Patterson. John H. Toland, Jr. who had become my close friend in Washington as Naval Aide to the Truman

Committee, had become the Democratic campaign chairman for Northern California.

During the month of May, Tom Tower, publisher of a weekly paper in the San Bernardino Mountains, wrote me that the Ku Klux Klan had been revived in his area. Tower was the Los Angeles Times correspondent at Big Bear Valley but none of his dispatches about the Klan revival had been published. Bob Morris had returned from the armed services and was again a Deputy in the Attorney General's office. I asked him to go to Big Bear with some investigators and find out from Tower what had actually gone on. I also called my former city editor James Richardson, then city editor of the Examiner. The Hearst papers had traditionally fought the Ku Klux Klan. True, they were also fighting me, politically, but I felt that they had to give me a good press for a few days on this effort against the Klan. The investigation showed that the resort areas of California had become a hotbed of Klan activity. Rev. Wesley Swift was the 'chief' organizer. Many of the resort owners were afraid that Negroes would insist on equal rights to accommodations. In the San Bernardino Mountains and at Palm Springs, the burning of fiery crosses had become an outdoor sport, aimed at discouraging Negro trade.

Rev. Swift was summoned to my office for interrogation. I learned from him that there was still a Klan headquarters in Los Angeles. To my chagrin I discovered it was located in the Walker Auditorium Building. This was George Walker's building, and I was the executor of his estate. I literally was the landlord of the Ku Klux Klan at that time. We promptly raided the

Walker Building and seized a portable electric fiery cross, a collection of white hoods and robes, and about a half ton of anti-Semitic literature.

I also discovered that the Klan still operated under an official corporate charter from the State of California. I began a quo-warranto suit to revoke this charter and strip the Klan of any claim to legality. R.S.W. Friday, an attorney, appeared for the Klan, but Superior Judge Alfred Paonersa ruled with me, and the Klan charter was revoked. The state charter had been granted to the Klan in 1920 as a "charitable and eleemosynary" corporation. It had not lived up to those corporate purposes. While I could not prevent people from joining the Klan, I could prevent it from using an official state charter in future operations.

At about the same time, I had a superior court receiver appointed for Christ Church of the Golden Rule. Arthur "The Voice," Bell had used this new church to collect millions of dollars from aged persons upon the promise that "God would take care of them," if they gave their property to God. Once they had given their money to Bell, the oldsters were given jobs as bellboys and maids in the chain of hotels and beach clubs which Bell had purchased with their donations.

There was no regulatory agency in the state authorized by statute to police such operations. However, at common law, the Attorney General had the power to inquire into the financial health of charitable corporations. Warren Olney, III, who had been deputy attorney general under Earl Warren, had just returned from the Marine Corps. I appointed him special

deputy in charge of the Christ Church of the Golden Rule case. My general instruction to him was "All's well that ends Bell." Bell's attorneys promptly put him through a voluntary bankruptcy proceeding in the federal court and the state receiver was discharged. Frederick Napoleon Howser, my successor as Attorney General in 1947 dismissed Olney as special counsel, and the case was dropped.

I received a few newspaper endorsements in my campaign for Governor. On March 30, the Los Angeles Daily News assailed Earl Warren for his charge that I had failed to do anything to control the black market in California.

"Warren is on rather soft ground indeed when he pictures himself as the champion of price control and his Democratic opponent as a friend of black market operations.

"To take a really firm position, the governor will have to repudiate the activities of his own party in Washington. He will have to say, in effect, 'I am for full price control. I am against any Republican and any Democrat who has perpetrated this betrayal of the American consumer.'

"Until he makes some such clear statement, the governor can scarcely deny his opponent's allegation that he is aligned with groups attempting to subvert stabilization measures."

A small paper in San Francisco, The Reporter, endorsed me upon the stated ground that, "Kenny has the moral courage of his convictions. He is responsible only to his conscience. He does not truck to the influence of the rich at the expense of the poor. He is not a tool of corporations,

newspapers and land companies.

"Kenny is a champion for the underdog. 'Inasmuch as ye do it unto the least of these ye also have done unto me' said the Lord, and on May 8th, he stood before a Legislative Committee in Sacramento and denounced police brutality and certain judges who have a practice of giving floaters to so-called undesirables. Kenny told the committee: 'I think it is serious and subversive for a judge to tell an American citizen where he can or cannot live.' Kenny said, 'Some police and some judges need to go to school to learn more about the bill of rights.'

"Kenny threatened to supercede local courts and prosecutors and bring before the bar of justice cowardly persons who attacked American-Japanese when they sought to return to their homes and their property with the O.K. of the U.S. Government.

"Kenny believes in the working people. He believes in their right to organize and bargain collectively. He has fought all efforts on the part of organized wealth to destroy labor unions. In him as Governor the working people will have the same type of friend in Sacramento as they had in Roosevelt at Washington. Those who live in the past have called Kenny a radical because of his advanced social views. Such people have always called men radical who seek to translate ideas into action."

The forces of disunity began working overtime after I announced for Governor. Only a few days later President Truman sat on the platform with Winston Churchill at Fulton, Missouri on March 7, 1946. Churchill there delivered the speech which has been frequently described as the

original declaration of the Cold War. In the week before the California primary election, President Truman threatened on May 25, 1946, to draft striking railroad workers into the army. This impetuous proposal was defeated in the United States Senate through the opposition of Republicans, led by Senator Robert A. Taft.

On May 27, there was a mass meeting at the Oakland auditorium. All of the candidates on the "harmony slate" spoke. Judge Monroe Friedman was chairman. Shelley warned that "It is a historical fact that after every war the nations are exhausted, the victors as well as the vanquished. The forces of reaction wait for these times of let-down, when the people are tired of fighting. The physchologists of reaction tell us that everything is sweetness and light. Good men are running our state. No need for a change. Besides, it is too much bother and you had bother enough. Don't fall for that. If we are not awake to this peril we will lose everything we gained before the war struck us."

District Attorney Brown said that the struggle for democracy was nowhere more sharply defined than in the field of law enforcement. He warned against irresponsible demagogues who "will attempt to stir up racial intolerance and religious bigotry as they did after the first world war." Brown praised my "swift and energetic action" in obtaining revocation of the Ku Klux Klan charter. "This is what I mean by Democratic leadership. There is no place in this state for the fiery crosses of bigotry and intolerance."

Arthur Caylor of the San Francisco Daily News said just before the election on June 3, that "you can be sure if this campaign wasn't big

national medicine, Kenny wouldn't be in it. A thundering Kenny success could put the Attorney General in the White House, although perhaps not with anything like the immediacy that attends Warren's chances. In any event it would make him an authentic national figure. That's why Kenny's running. That's why the eyes of the nation will be on California tomorrow -- and they will be slightly goggle-eyes at that."

Well, what the eyes of the nation witnessed was easily predictable. Warren defeated me in the Democratic primary in every county of the state, except my own county, Los Angeles, and his own county, Alameda. Even San Francisco went against me. Shelley and Brown survived the primary, but Lucille Gleason was defeated by her Republican opponent. Will Rogers Jr. received the Democratic nomination over Representative Ellis Patterson.

The following day I received a telegram from Clore Warne, a Los Angeles attorney long active in civil liberties. It said: "Dear Bob: Welcome back to the practice of law. The politbureau of the church pulled another boner, but good. Packaging you with Patterson was suicidal. I am convinced some of our friends thought they could get a senatorial stooge for national political purposes and didn't give a damn that the Democratic Party should go to defeat in California. You are still my choice for anything you want. Cordial regrets."

Commenting on the outcome of the election, the San Diego Daily Journal said on August 5: "Attorney General Robert W. Kenny calls himself a 'dead duck' as he prepares to return to private law practice following his defeat for Governor.

"He declines to rehash his defeat or place any blame because 'that would make people sore.' He thus bows out with more than ordinary graciousness. There is a touch in his farewell of the gallant warrior retiring from the field without victory but with abundant honor.

"But we do not agree with Bob Kenny that he is a dead duck. His kind are never dead ducks because they stand for things that will not die. They stand for liberalism, humanity, frankness and good humor. Few, if any attorneys general in California have been so equable and yet so firm; so earnest and yet so free of bombast as Kenny. He did not simply fill the office. He adorned it. His defeat was due principally to the backwash of these post-war times, and the confusion which California's mugwump cross filing creates among the electorate."

Carey McWilliams wrote in the New Republic on June 12: "Patterson and Rogers being both liberals with good voting records, the struggle between them developed into a struggle for the control of the liberal movement in California. This started out as a polite intramural contest but was transformed into a bitter feud by mounting dissatisfaction with the Truman administration. A clear majority of Democrats realized the necessity for minimizing talk of a third party 'independent action' when the immediate task was to elect a slate of liberal candidates who happened to be running as Democrats. But the left wing seized upon the Patterson-Rogers fight as a means of pointing up a need for independent action and of sharpening the third party question. In consequences, 'democrat' suddenly became the term of opprobrium.

"In Los Angeles County where the bulk of the Kenny strength was

concentrated, all semblance of unified support for the state ticket was destroyed. Left wing elements set up 'coordinating councils' to support Kenny and Patterson, with most of the emphasis placed on Patterson, insisted that precinct workers carry Patterson campaign material, and wittingly, or unwittingly, rebuffed many middle of the road Democrats who still thought of the Democratic Party as the party of Franklin D. Roosevelt. Liberals who supported Will Rogers, Jr. were suddenly pilloried as 'reactionaries,' although most of these same liberals had been enthusiastic supporters of Colonel Carlson. On the other hand, the right wing of the Rogers' supporters made things worse by launching an ill-advised personal attack on Mr. Patterson. At the center of the campaign, where the major strength should have been concentrated, a vacuum was created, and Mr. Warren proceeded, almost without a campaign, to fill it.

Harold Ickes, who had taken a job with the Independent Citizen's Committee for the Arts, Sciences and Professions at $25,000 a year, was not too disconsolate about my defeat. I was in his Black Book after resisting his claim to the tidelands. In a column published in the Washington Star on June 24th, he said: "The supposedly liberal Attorney General Kenny (of tidelands fame) got a terrific lacing in California from Republican Governor Warren even in the Democratic primaries."

John Gunther attributed my defeat to a "fierce intramural quarrel in the Democratic camp, between leftists and superleftists, which left Kenny bouncing in thin air. He was unable to lead a unified ticket, because of the murderous fight between Will Rogers, Jr. and Ellis Patterson for nomination

to the Senate, a fight so mixed up with splinter leftism that any independent liberal needed a slide rule and a protractor to find out where the lines met, interlocked and parted."

"Kenny did not particularly want to run for Governor in 1946. He liked being Attorney General, he set up a splendid record in the job, and he could probably have been re-elected to the end of time. On finally accepting the nomination, he declared, 'I guess I should accept congratulations in about the way that a pregnant woman does. She didn't want to get in that condition, but as long as she is --' Then he slipped over to Europe to see the Nuremberg Trials. His explanation: 'The first month of a campaign is when things go wrong and all the silly little decisions have to be made ... I'll be away.'

"What beat him when he returned was not his wisecracking or insouciance but Warren's unassailable popularity and the fact that he himself was pushed into a position where he had to carry water on both shoulders. The Democratic Party is a crazy hodgepodge in California; he had to hold the balance on both wings. Also the tidelands issue hurt him. In Chicago in 1944, where he was leader of the California delegation, he backed Truman against Wallace; in 1946, despite this, he got CIO benediction but by trying to satisfy everybody in all camps he alienated what should have been his most solid liberal support. He told me once that his technique was, in general, to try to nail down the right, then cultivate the left. 'If you see anybody more extreme than you are, you have to run over there and rub him out -- never get caught in the middle of a field with a loose ball.' This sounds very pretty, but it didn't quite work out. Kenny got caught with two

or three loose balls -- and was kicked all over the place.

"No one, however should think that his political career is over. He is one of the ablest liberals in California, and still something of a white hope for the entire West." (p. 19, pp 22-23, "Inside U.S.A." Harper's 1947.)

In the week following the election, the annual District Attorneys Convention took place at Santa Catalina Island. Governor Warren was in attendance. Most of the delegates were personal friends of both of us and were nervous about our first meeting after the campaign. It went off very well. We met on the excursion steamer to Catalina and after greeting each other, proceeded into a private cabin where the district attorneys joined us in a round of drinks. There were two nominees for attorney general among the delegates, Pat Brown, the Democratic District Attorney of San Francisco and Fred Howser, the Republican District Attorney of Los Angeles. To keep everything evenly balanced, Governor and Mrs. Warren invited Sara and me to dinner along with the Browns and the Howsers.

I had to cut short my Catalina visit to fly to Washington for purposes connected with the passage of the tidelands quit claim bill. The bill was passed by Congress, but vetoed later by President Truman. The law suit originated by Francis Biddle came on for hearing in the Supreme Court in 1947, and resulted in a victory for the federal side. Ultimately, in 1953, another quit claim bill was passed by Congress and signed by President Eisenhower. Tideland drillings operated from 1921 to June, 1963 produced $520,625,949 in royalties for the state treasury.

A unique thing occurred in my campaign for Governor. After the

primary was over, we discovered that instead of the usual deficit, my campaign fund had a small surplus. Donald McKee, the campaign treasurer in Southern California, invited all of the contributors to a cocktail party at the Biltmore Hotel. They came reluctantly, thinking that they were going to be called upon to make up a deficit. They were delighted to find that their sole function was to drink up the surplus and eliminate all administrative difficulties about returning any contributions.

Late in June, I went to Cincinnati for the annual convention of the National Association for the Advancement of Colored People. Walter White, Executive Secretary, had asked me to come there to present the Spingarn medal to Thurgood Marshall, Chief Counsel of the organization. Marshall had won many important cases in the courts for minorities. He was to win even more important victories in subsequent years.

On June 21, 1946, Attorney General Tom Clark, spoke to the Chicago Bar Association. On this occasion he said that the United States was the target of a sinister and deep-seated plot on the part of "communists, ideologists, and small groups of radicals." The Attorney General said he had discovered a plot to capture important offices in labor unions, ferment strikes and raise barriers to the efforts of lawful authorities to maintain civil peace.

The Attorney General warned that the 'plotters' were protesting that civil rights of minority groups were being abridged. He cautioned the lawyers in his audience that they should discriminate between "sincere and honest claims" by groups of citizens who feel their rights have been violated

and the efforts of "outside ideologists who stir up trouble." He then centered his attack on lawyers who had not helped repress the "conspiracy" by refusing to perform legal services for the "conspirators," saying: "I do not think there is anyone more subject to censure in our profession than the revolutionary who enters our ranks, takes the solemn oath of our calling, and then uses every device in the legal category to further the interests of those who would destroy our government by force, if necessary. I do not believe in purges because they bespeak the dark and hideous deeds of communism and fascism, but I do believe that our Bar Associations, with a strong hand, should take these too bright brothers of ours to the legal woodshed for a definite and well-deserved admonition."

Two weeks later I was the principal speaker at the National Lawyers Guild Convention in Cleveland. I said that Attorney General Clark's attack upon the lawyers who fought most actively for the liberty of the people was "a call for legal vigilantism."

Clark's speech in June, 1946, was an early warning of the coming witchhunt that was to disfigure our history for the next ten years. Clark had been one of Presiden Truman's advisers back of the President's unfortunate proposal on May 29th, that the railroad workers who went on strike should be drafted into the army. This anti-labor proposal was only defeated by the stout resistance of Republican Senator Robert Taft. Occurring just the week before the California primary, it had contributed to the breaking of the Democratic coalition that had been fashioned together by Franklin Roosevelt.

I deliberately took a back seat at the Democratic State Convention in Sacramento on July 20. James Roosevelt had asked me, before the primary to support him for state chairman. I promised I would. At the convention, James Roosevelt and Will Rogers, Jr. favored a clause in the preamble of the state platform which equally condemned Communism and Fascism. This hackneyed formulation had long been a source of disunity. I opposed its revival. Chester G. Hanson of the L.A. Times described the scene in a Sacramento dispatch, dated July 21: "In a grueling day-long meeting here today the Democrats tore the pink shirt off the political back of Colonel James Roosevelt, dressed him in the habiliments of a respectable middle-of-the-roader and made him their State Chairman.

"The election of young Roosevelt was accomplished in an almost weird political drama. He promised to have done with the leftists and fellow-travelers, resign from all connections with the leftist HICCASP and to go down the middle of the road as a plain Democrat. Will Rogers, Jr. said that the election of Roosevelt over Tom Scully, Hollywood businessman, 'represented the strengthening of the central core of the Democratic Party and will be, I hope, a body-blow to the groups on the left wing red frings.' Rogers added, 'We are going to crack the left wing independent groups.'"

I decided that the most useful chore available for a lame duck was to promote an initiative petition to repeal cross filing. Circulation of such petitions started on July 23. Mrs. Langdon Post volunteered to take on the job of the organization and Langdon raised several thousand dollars to get the job done. I received a curious reaction from the new command of

Democratic Party. Many of them refused to have anything to do with cross-filing repeal, because they suspected that it had something to do with left-wing "plotting." The organized Democrats sat on their hands and we received no help from the Republicans. The petition failed to qualify.

On July 31, the August issue of Coronet magazine appeared, containing an article about me by Dean Jennings entitled "Knight in Legal Armour: California's Vigorous Attorney General Hasn't Lost a Round in His Fight for Human Rights." It had been set in type before the election and Coronet had to do a rapid re-editing job. The second paragraph spoke of my personal and political creed, and then said: "It is no reason why Bob, as he is known to millions of Californians, will not be the State's next and youngest Governor, but is likely to sit in the White House some day."

The emergency "not" was a timely insertion after the primary election results, but unfortunately it failed to modify the prediction that I might sit in the White House. The Sacramento Union published an account of it under the heading "Magazine says Kenny due to be President." The United Press reported from San Francisco the next day that: "Attorney General Robert W. Kenny, who is bowing out of official California politics after his defeat for the Democratic nomination for Governor, indicated that he would not support President Truman's renomination. His choice for the nomination, he implied, was still William O. Douglass of Oregon, a U.S. Supreme Court Justice whom he supported in the 1944 Democratic Convention.

"In commenting on a magazine article declaring he was still presidential material, Kenny said he was not a candidate, but that he did have

a candidate "and it isn't Kenny, Warren or Truman."

Sara and I spent a week-end in late August with Justice Ray and Marian Peters at their cottage at Zephyr Cove in Tahoe. Several of the older deputies in the Attorney General's office were also on vacation there at the time and we had a reunion with them and with Alan Bible, Attorney General of Nevada, who came over from Carson City.

Early in September, Senator Claude Pepper of Florida came West and addressed large crowds in San Francisco and Los Angeles. In Los Angeles the HICCASP filled Hollywood Bowl to hear the liberal Senator. Pepper did what he could to re-unite support for the remnants of the Democratic ticket in California.

During the month of September, I filed an amicus brief in the Federal Court of Appeals of San Francisco, opposing segregation in the schools of the Westminster School District of Orange County (161 F. 2d 774).

Another brief filed by me that September was the one single act of which I was most proud during my four years of service as Attorney General. This was an amicus brief, written by Prof. D. O. McGovney, of Berkeley. McGovney had hit upon an entirely original theory that racial restrictive covenants could not be constitutionally enforced because such enforcement constituted discriminatory "state action" contrary to the 14th Amendment. With the permission of Chief Justice Gibson, I appointed Prof. McGovney special counsel for the State of California, and filed his brief. I took the position that enforcement of racial restrictive covenants was state action, I wanted to be heard on behalf of the State against it. The McGovney

brief was filed in Anderson v Anseth (LA No. 19759).

Although Governor Olson had appointed four Democrats to the seven-man Supreme Court, only three of them voted for the McGovney doctrine - Chief Justice Gibson, Roger Traynor and Jesse W. Carter. The fourth Democrat,Justice B. Rey Schauer, voted the other way and the result was that McGovney's brilliant legal theory was never approved by a majority of the Supreme Court of California. However, the McGovney concept was adopted by the Supreme Court of the United States two years later when Shelley v Kramer, was decided on May 3, 1948, and the enforcement of racial restrictive covenants was finally outlawed (33 4 U.S. 1).

The general election on November 6, resulted in a Republican landslide. Senator Knowland defeated Will Rogers, Jr., Fred Howser won over Pat Brown, and Jack Shelley was defeated by Superior Judge Goodwin Knight for Lieutenant Governor. The Democrats lost five progressive congressmen in this sweep. George Outland of Santa Barbara, Ned Healey of Los Angeles, Clyde Doyle of Long Beach, Ed V. Izac of San Diego and Jerry Voorhis of Pomona. Voorhis lost to Richard M. Nixon by 1,500 votes.

The final stages of the national campaign in 1946 had been marred by the episode on September 20, 1946, when President Truman demanded Henry Wallace's resignation as Secretary of Commerce, after his Madison Squar Garden speech opposing the "Get Tough with Russia Policy" of State Secretary James Byrnes.

I had one important legal victory just before I left office. This was the State Supreme Court's decision in Speegle v Board of Fire Underwriters,

(29 Cal 2d 34), which declared the California Anti-monopoly law - the Cartwright Act of 1907 to be constitutional. Professor Max Radin had acted as special counsel for the State in presenting this matter. As soon as this decision became final, I announced that an anti-trust division would be established in the State Attorney General's office and that Deputy Attorney General Clarence A. Linn would be in charge. This division would act in conjunction with the District Attorneys of the various counties and the federal anti-trust division. In announcing this I said:

"It is my hope that this program will free us from the restraints of trade which affect the economy of the State and will permit us to raise the State's stature as one of the most highly developed economic areas of the Union."

I quoted Wendell Burge of the Federal Anti Trust Division who had said in his book "Economic Freedom for the West,"

"The West is once more the frontier on which the question of American's economic expansion will be decided. All its trails have not yet been blazed. Even though its mountains have been mapped, its rivers charted and its elements classified, the full economic greatness of the West is undiscovered."

I said that California should be permitted to assert its right to grow and that it should be able to enforce this right "by relentless enforcement of the State anti-trust laws, alert utilization of the federal Anti Trust laws and ready cooperation with the Federal Anti Trust Division."

In Washington on November 8th, and in Chicago, on December 1st,

I attended meetings called by C. B. "Beanie" Baldwin, Director of the C. I. O. -P. A. C. The purpose of the meetings was to rally the old New Dealers to discuss how to pick up the pieces after the defeats of 1946. The meeting in Washington was attended by Harold Ickes and the meeting in Chicago by Henry Wallace and former Secretary of the Treasury Henry Morganthau. These meetings culminated in a meeting in New York on December 30, which I did not attend. On this occasion, the PAC and ICC were merged into a new organization, to be known as the Progressive Citizens of America. Jo Davidson, the sculptor, and Dr. Frank Kingdon, of New Jersey, became the co-chairmen of the new organization.

In December there had been a Klan burning of a partially constructed dwelling in San Mateo, California. The building was owned and was to be occupied by John T. Walker, a Negro. I persuaded Jack Strauss, a San Francisco broker, to guarantee the offer of $1,000.00 as a reward for the arrest and conviction of the persons who had committed this outrage. Rewards had been offered by me in several other instances of this kind. I believed the bigots might betray each other if the price was right.

I had a curious clash in the fall of 1946 with Mayor Fletcher Bowron. He became defensive about his own Los Angeles Police Department when I criticized ineffective law enforcement against Klan terrorists. He complained to the Los Angeles County Grand Jury. Both the Mayor and I appeared before that body. I urged the Mayor to give his police a training course in race relations such as my Department had conducted in Richmond. The Grand Jury agreed with me.

A farewell dinner for Sara and me was given by a group of San Francisco friends at the Fairmont on December 19. The printed menu and program carried a picture of my grandfather's octagonal house at Leavenworth and Green Streets. Bartley Crum was the toastmaster, and speakers included Chief Justice Gibson, Judge Raymond Peters, Professor Max Radin, Langdon Post and Mayor Lapham. The menu credited the wines to the courtesy of the California Wine Institute. They were undoubtedly of superior educational wine. The guests included Harold Berliner, Collector of Internal Revenue, Federal Appellate Judge Homer Bone, the Pat Browns, Senator Oliver Carter and Judge and Mrs. Jesse Carter, Colonel and Mrs. E.H. Heller, Mr. and Mrs. Francis Keesling, Mr. and Mrs. Cyril Magnin, Judge and Mrs. Robert McWilliams, Mr. and Mrs. Robert S. Odell, Bishop Edward L. Parsons of the Episcopal Church, an old fighter for civil liberties, Mr. and Mrs. Jerome Politzer, Senator and Mrs. John Shelley, Judge and Mrs. Roger Traynor, and, of course, Dick and Nell Wylie. Wylie and Ray Peters had organized the affair.

CHAPTER TWENTY-SEVEN

THE UNITED NATIONS PERMANENT SITE

While the delegates to the United Nations Conference were in San Francisco, many informal invitations were extended to them to come back again and make San Francisco the permanent home of the organization. On March 9, 1945, Dr. Henry F. Grady, President of the San Francisco Chamber of Commerce, issued a statement saying that a committee would be appointed so that San Francisco could take steps to invite the organization to San Francisco if the United Nations was sympathetic to the establishment of its permanent headquarters there. The special committee was appointed consisting of Walter Haas, President of Levi Strauss Company, Adrian Falk, General Manager of S & W Fine Foods, Leland Cutler, Vice President of the Fidelity and Deposit Company of Maryland, Maurice Harrison, attorney, and Brayton Wilbur, President of the Wilbur-Ellis Company and Chairman of the Foreign Trade Committee of the Chamber.

I was invited to become a member of this committee and joined it on September 26, 1945. Two days later I had an opinion prepared on the methods by which California territory might be set aside as a permanent site for the United Nations. During the conference Drew Pearson and David Karr, then his assistant, were both vastly enthusiastic about having the United Nations permanently located in San Francisco. I informed them of our plans and in November, Drew Pearson furnished me with the original transcript of a meeting of the Executive Committee of the

U. N. Preparatory Committee held in London on October 3. We discovered from this that San Francisco had only two real friends on the Commission -- Dr. Herbert Evatt of Australia and Dr. Hoo of China, who spoke in our favor. The British representative had taken the position that San Francisco was not easily accessible, that the Old World needed encouragement in rebuilding, and that the location of the United Nations' permanent seat should be in Europe. The French and Dutch concurred.

Andrei Gromyko then said that the Soviet Union was definitely opposed to Geneva as a place for the U. N. organization, and that his government favored the United States.

"The United States is located conveniently between Asia and Europe. The Old World has had it once, and it is time for the New World to have it. I am not going to say anything about the past in connection with Geneva. It is well known to everybody."

Gromyko then said something that gave us San Franciscans some hope. China and Australia had already spoken in favor of the San Francisco site. Gromyko said:

"I am in agreement with what has been said by my colleagues from China and Australia on this subject."

Based upon this, our committee from then on believed the Slavic bloc would vote with us when the final site selection was made. We were also very much heartened by what Dr. Herbert Evatt, the Australian delegate, had said:

"San Francisco is a city which breathes the very spirit of freedom.

Freedom of expression is guaranteed in the country to which San Francisco belongs, freedom of expression is enforced by courts, no where in the world is freedom more secure. It is a city of progress. It looks with courage and confidence to the future. In drawing up the Charter in San Francisco, we all recognized with gratitude and admiration the debt we owed to the city and its people. In fact, the charter was worked out in the spirit of San Francisco -- the spirit of freedom and tolerance."

The final vote that day was nine to three in favor of placing the headquarters in the United States; For: Australia, Brazil, Chile, China, Czechoslovakia, Iran, Mexico, Russia and Yogoslavia; Against: France, the Netherlands and Britain; Abstaining: Canada and the United States. The selection of the actual city in the United States for the location of the site was left to the General Assembly which was to meet in London in November.

Mayor Roger Lapham was widely admired by the delegates during the San Francisco convention, and was truly a citizen of the world. He was, therefore, the ideal man to represent us before the General Assembly. He went to London but was only given a few minutes to present our case. On December 22, 1945, the General Questions Committee voted against locating the headquarters on the Pacific Coast by 22 to 6, with 12 abstentions. An Interim Committee was appointed to inspect various sites offered on the Eastern seaboard. Months went by without any final selection.

After my defeat for Governor at the June primary election, I decided

to devote a large share of the balance of my term in office to reviving and promoting the San Francisco case at the U. N. I found a sympathetic interest in the project existed at the Washington Post. On June 25, 1946 that newspaper published an editorial entitled "Hospitality to the U. N." and in it said that: "It is now evident the choice of the New York area was not the best the organization could have made. At the time we took an 'any place but' point of view and everything that has happened since that time has confirmed us in our opinion."

By pre-arrangement on the next day, the Washington Post published a letter from me to the Editor, in which I said:

"I have not seen any disposition on the part of the United States Government to aid the U. N. in establishing a permanent home within our borders. This hands-off policy was adopted in the summer of 1945 so that no favorites would be played among the American communities then vigorously competing to duplicate the successful conference just completed at San Francisco.

"Perhaps this period of drift had to be. We passed up San Francisco, the only city in the New World with the know-how on staging a conference that would make the whole world feel welcome. In the bustle of post-war readjustments, no other American community has had the time or patience to learn to do the job satisfactorily. But a whole year has now passed and the location of a permanent home for the United Nations is still unsettled. Can you not urge Senator Warren Austin, our representative at the U. N., to formulate a positive federal policy on selection of a permanent head-

quarters? Unless the U. N. is to be perhaps fatally handicapped in its inevitable difficulties by a local landlord-tenant squabble, a strong definite federal position must be taken now before the General Assembly meets in September."

To make certain that we had a unified state-wide approach to the San Francisco site, I checked with the executive committee of the Los Angeles Chamber and they went on record supporting the San Francisco bid. With the Assembly meeting coming up in September, the committee selected Belford Brown, an able young banker, to go to New York and set up a headquarters for the California delegation. I sent announcements of the opening of our California "embassy" to Charles Campbell at the British Embassy, Dr. Ivan Cerno, Assistant Secretary General of the U. N., with whom I had renewed acquaintance at the Lawyers Guild meeting at Cleveland, Alan Cranston, then in Washington, David Karr, Washington Merry-Go-Round, and Herbert Elliston, director of the Editorial page of the Washington Post. I also enlisted the support of Father E. A. Conway, who became the unofficial chaplain of our California resistance movement.

I went to New York on October 15, to join Belford Brown and Walter Haas, President of the S. F. Chamber of Commerce. I drafted a plan for financing the U. N. site in California which was submitted to the Governor. This proposed the creation of a state agency entitled the U. N. Area Authority, with power to issue and sell revenue bonds to the Reconstruction Finance Corporation. The bonds would be paid off by a

thirty year amortization plan from rental revenues received.

N. D. Bassov, a Soviet engineer attached to the U. S. S. R. Embassy, asked me to prepare a report on available sites in the San Francisco area. At that time we only hoped that we might have the Presidio available to us. I recommended to Bassov the site at Crystal Springs in San Mateo County which was principally owned and used by the City of San Francisco as part of its municipal water supply. A ten square mile area could be carved out of this site.

On October 29, Governor Warren came to New York. Senator Austin was a fellow Republican and we were encouraged by the discussion between Austin and our Governor.

On November 1, San Francisco Supervisors Dan Gallagher and Marvin Lewis joined us in New York. Mayor Lapham, Belford Brown and I issued a joint statement with them, expressing our elation over Senator Austin's agreement to ask the General Assembly to consider sites in the San Francisco Bay area in addition to considering sites in New York

On November 5 Senator Austin asked that his proposal be put on the agenda of the General Assembly. On November 9, the General Assembly adopted Senator Austin's proposal after broadening it to provide that locations in other American cities should also be investigated. The matter was referred to the Headquarters Committee.

Between November 17 and the 29th, the Headquarters Committee of the United Nations investigated the sites offered by Philadelphia, Boston, New York, and San Francisco.

On November 13, Walter Haas reported back to the San Francisco Chamber of Commerce. He praised the fine cooperative spirit shown by our delegation. In the San Francisco News of November 11, 1946, Mr. Haas was quoted as follows:

"There was Governor Earl Warren and his recently defeated political opponent, standing shoulder to shoulder for the Bay area and there was Mayor Lapham, representing San Francisco and Mr. Kenny who hails from Southern California. They all presented a completely unified front for the Bay Area suitability as a permanent home for the United Nations."

Before the Site Committee arrived in San Francisco, we had received unofficial word that the Federal Government was willing to offer the Presidio as a site. This news seemed too good to be true but we believed it.

The Headquarters Committee included Charles LeCorbusier, famous French architect, Sir Angus Fletcher, United Kingdom, Dr. Stephan Gavrilovic, Yugoslavia, Malmud Hammad, the Egyptian Ambassador, Nikolai Bassov, Soviet engineer, and representatives of Australia, Belgium, China, Cuba, Netherlands and Poland. The chairman of the committee was Dr. Eduardo Zulueta Angel of Colombia.

The Crystal Springs site was inspected first, but it was a foggy day, and the delegates were not much impressed. However, on the following morning we went to the Presidio. It was a beautiful, clear fall day. The Golden Gate panorama lay before us. Earl Selby of the Philadelphia Bulletin looked helplessly at me and said: "Bob, the fight's over. This

is the greatest site in the World."

The Washington Post editorialized again on November 12, to force the Government's hand. In this editorial the Post said:

"The unprecedented enthusiasm for the Presidio of San Francisco evinced by members of the U. N. Site Inspection Committee leaves the next move clearly up to our Government. The General Assembly Headquarters cannot yet recommend the Presidio as a permanent home for the U. N. because it has no definite assurance that the Presidio will be available. This assurance should be forthcoming immediately. The Federal Government has an opportunity to end in one stroke the humiliation and frustration that have beset the U. N. in its home-hunting endeavors ever since it came to this country."

The Post had originally suggested the Presidio on July 1. It said that sentimentally, San Francisco had a claim that no other city could offer, "It has unsurpassed scenic attractions, and enviable climate for work and concentration, and no hubbub."

Senator Austin told the Headquarters Committee upon its return from San Francisco:

"I am able to report that the President of the United States will do everything in his power in cooperation with the Congress to make the Presidio available to the U. N. In the present situation, when the Congress is not in session, the only branch of the government that can make such a statement is the Executive branch. I am giving you this statement with full knowledge that the Constitution gives to the Congress sole power to

transfer property in the United States. What I say, therefore, is subject to the authority of Congress."

The Headquarters Committee found that the Presidio was "an exceptionally outstanding site for the official buildings of the U. N. It is doubtful that a more dramatic site could be found. If this site were selected the permanent headquarters development problems of the United Nations would be held to a minimum."

All of these developments convinced the San Francisco delegation that selection of that city was now but a formality. However, strange developments soon beset us.

On December 4, the Headquarters Committee was scheduled to discuss the report of various site inspections. The meetings were held at the Sperry Gyroscope Building at Lake Success. Mayor and Mrs. Lapham motored out with me on this occasion, to await the good news. The debate was going along favorably when Secretary Trygve Lee asked a disturbing question. He wanted to know if San Francisco could take care of the United Nations at once, because if the United Nations decided to move out of New York, New York would want to check them out right away. The Ukrainian delegate arose. We relaxed. Ever since Gromyko's friendly remarks in London in October, 1945, we had counted upon the support of the Slavic nations. To our dismay, we now learned that the Ukrainian delegate was against us. He said that Dr. Koo of China and General Romulo of the Philippines, who had just spoken for San Francisco, were using very heavy artillery to bolster a bad case. However, their

arguments were only oratory and not good business. The Ukrainian objected to distance and pooh-poohed the arguments of San Francisco's favorable climate. "The United Nations is not building a hospital, this is a business proposition. Arguments will always be heated wherever they are made." The Ukrainian confirmed what we had gathered from Trygve Lie's remarks. He said: "The secretariat doesn't want to move out of New York. They have already moved once and they are now settled in New York."

Dr. Van Karnesbeck of the Netherlands stated that his country had no preference between the East or the West, although he was impressed with the advantages of San Francisco.

The Australian delegate spoke in favor of San Francisco, praising it as having the most congenial of surroundings. He reminded the delegates that San Francisco had been selected at Yalta by Franklin Roosevelt, Winston Churchill and Joseph Stalin. He argued that the U. N. site should not be located in close proximity to the national capital.

The bombshell then burst. The Soviet delegate, Saksin, apparently had decided that the Washington Post was speaking for the Government of the United States and that the United States really wanted the headquarters to go to the Presidio in San Francisco. His position seemed to be that if the United States wanted San Francisco, then he was against it. As the Laphams and I sat there in stunned surprise, the Soviet delegate went on to say that it would take a two-thirds vote to abrogate the London decision of November, 1945 to locate the headquarters in New York. If a two-thirds vote was not available, the Assembly had no right to consider the West

Coast.

The Russian delegate said that the General Assembly had now reached a dead end, out of which it could not escape. He predicted that the South American nations would follow the United States in favoring San Francisco. There was a second group of member nations (principally the United Kingdom) who recognized the difficulties of New York, but wanted to go to Philadelphia. The third group were those who remained loyal to the original London decision in favor of New York.

The Russian delegate had convinced himself that Senator Austin was partial to San Francisco. He said that "by action of the United States, all of the former decisions of the General Assembly are put at naught. This is intolerable. The extraordinary activity of the United States delegation is causing us to break the basic law. The will of Washington must not be imposed upon the rest of us. To get to California we would all have to fly over two mountain ranges. If the site is put in San Francisco, the United Nations will be an organization of second-raters. No self-respecting nation would send its best men to San Francisco. Even if the United States manipulates the votes as it did in Paris, the independent nations will not permit the United Nations to go to San Francisco."

He concluded: "How can we get out of this dead end? We should reject the idea of transferring our headquarters to the West from the East. If it is difficult to stay in New York, the U. S. S. R. will be willing to join the United Kingdom and go into Philadelphia. We beg the United States not to insist on this San Francisco proposal."

The meeting adjourned for the night.

On the following day, December 6, Senator Austin was the first to take the floor. He said that the United States, in response to what it believed was the desire of other nations, had departed reluctantly from its previous neutrality, foreseeing the embarrassments which would confront it as the host nation. However, the United States had been careful to say that it would take an active part in assisting the United Nations to find a permanent home. Senator Austin pointed out that at no time had the United States tried to persuade any other delegation as to a particular site. He had always emphasized that our benevolent purpose was to select the locality most suitable for the efficiency of the United Nations in accomplishing its tasks.

The Senator then thanked the Cuban delegate for having observed the night before that the act of the United States in pointing out the availability of a site on the Pacific Coast was not an intrusion, but was done at the request of the Site Committee. It was only then that the United States answered the question asked by the committee, as to whether the Presidio would be available. The answer as to the Presidio's availability was not given to throw any weight in the scales. The answer was to afford every courtesy and help and hospitality that the United States could give. Senator Austin said that the United States' answer had been postponed as long as possible so that its timing would not influence the decision.

The report of the Site Committee had already described the advantage of the Presidio, but left open the question of its availability to be

filled in later, said Austin. It was only then that the United States Government had spoken of the availability of the Presidio.

The Senator said that the United States' position had never changed, that the United States wanted to know the position of its guests before any announcement was made of its own views. He said he doubted if any sound claim could be made that the United States had violated its hospitality in this matter. Senator Austin then said that the time had now come where the United States no longer could postpone a statement of its position. Then the axe fell.

Senator Austin said: "The United States is not for locating the U. N. headquarters on the Pacific Coast. It is in favor of locating the headquarters on the Atlantic Coast."

I was ready to leave right then, but I remained to hear the Senator say, with great piety and unction, that the choice had been a difficult one because "the United States loves California" and there is no favoritism between the states. He said that the United States favored a location in the East primarily because the United States was devoted to the United Nations and its functions must be managed from a location easy of access to Europe, the Mediterranian basin and China. He was confident that the Secretary General, Mr. Lie, would show the delegates that the burdens of cost and time would be prohibitive in locating the U. N. on the West Coast.

Referring to the opposition of the Soviet Union to the West Coast, the Senator said that if one or two of the great powers should be hostilely

opposed to the United Nations it would be a bad thing indeed.

"We must have a spirit of sacrifice," he said. He appreciated the youth and wonderful social spirit of San Francisco; he would have liked to have spent more time there. However, the U. N. delegates were not at liberty to consult their own personal comfort and pleasure, they were engaged in a serious enterprise. What will make the United Nations work? He had in mind no particular spot on the Eastern coast. He suggested that while the delegates were waiting for the return of Chairman Zulueta from his sick-bed, that they think over a proper procedure to select between the East and the West Coasts. The first action should be a vote to settle the question between the East and the West. He concluded by saying the United States would rather not vote, "but our hand has been forced."

The committee then adjourned until December 9. At that time Senator Austin receded from his request for an immediate vote between the Eastern and Western sites. Instead he asked that final action on permanent headquarters be deferred for another year, and that there be further exploration and study of the sites of Philadelphia, New York and Boston. However, Senator Austin asked specifically that the Presidio site be excluded from further studies.

In the evening session on the same day, the Senator presented another resolution. The bewildering feature of this resolution was that it restored the Presidio site to the list of other possible sites on which the Secretary General was to make a report by July 1, 1947.

On December 11, the news came that John D. Rockfeller Jr., with the assistance of William Zeckendorf, had completed work on a plan whereby he now offered to the United Nations an $8,500,000 site on the East River in New York City, all free of charge.

This explained all of Senator Austin's moves of the past week. The Federal Government had been using the San Francisco delegation as unwitting shills in the auction it was conducting with Mr. Rockefeller. We had been permitted to dangle the bait of the Presidio site in order to get Rockefeller to raise the sights of his own offer. We should have suspected this. The armed forces have never been known to relinquish any valuable real estate voluntarily. In a century and a half of our national history, the Army has shown positive genius at real estate site selection. Witness the Presidios at Monterey and San Francisco and Fort Baker, Fort Winfield Scott, Fort Mason in San Francisco and Fort de Russey at Waikiki Beach.

The Russians fell into a perfect mousetrap set for them by Senator Austin. They had misinterpreted Austin's offer of the Presidio exactly as we had. They assumed as we did that Austin was really in favor of the Presidio. Since they operated on the primitive reasoning that anything that the United States was for, they had to be against, they proceeded to switch their previously friendly position on San Francisco and became our loudest antagonists. This was exactly what Austin had planned on. As soon as the Slavic bloc had firmly committed itself to the East, Austin was then able to say graciously that their desires should be respected

and he, too, in proper deference, would favor an eastern site.

During the previous October, when we were canvassing the various delegations, we called on Jan Masaryk of Czechoslovakia. He and Mayor Lapham had become good friends in San Francisco. The Mayor mentioned his efforts at Lake Success. Masaryk said, "I don't call it Lake Success; I call it Pond Failure." After the events of December, 1946, we agreed with him.

On December 27, I received a letter of thanks for my efforts from Chairman Walter Haas of the San Francisco Chamber of Commerce Committee. He said:

"In sight of the promised land victory escaped us for causes well known to all. Special thanks to you as a member of the resistance movement and expeditionary force."

During our stay in New York, an old Hollywood friend of mine, Charlie Bourne, a great natural piano player, was entertaining at Nick's in Greenwich Village. Bob Letts, the Assistant Mayor of San Francisco, and I entertained various delegates down there. Charlie had a special United Nations trilogy he played for us. It opened with "The World is Waiting for the Sunrise," then "San Francisco, Here I Come," and finally "To Each His Own." It was a musical prophecy.

CHAPTER TWENTY-EIGHT

RETURN TO PRIVATE LIFE - 1947

In January we moved back to Los Angeles. Morris Cohn, Maury Maverick and Bob Morris had moved from the Broadway-Temple Building to the Bankers Building at 629 South Hill. Just about then, Maverick once more heard the call of Texas politics. He left California to run again for Mayor of San Antonio. Maury came in second. He told me that both the very rich and the very poor voted for him. The poor counted on Maury to improve their conditions, and the rich counted on him for honest and cheaper government. But Maury was too far advanced for the middle class Texans who controlled the outcome. His son, Maury Maverick, Jr., who studied law in Los Angeles, has been elected several times to the Texas House of Representatives.

Maury died in the late 1950's. He had become a great student of China, accumulating a remarkable library. Whenever the United States recognized the new regime in China, it was Maury's ambition to become our first ambassador.

Some fan mail still drifted in after I had left office. Dr. Wilton Halverson, Earl Warren's director of Public Health, wrote me:

"I do not think of anything that has made me feel so badly as the train of events which brought about a change in the Attorney General's office -- you were always ready to fight the battle of the underdog and for the cause which, although right, might not be popular."

Halverson was a truly modern Health Officer. Soon after he took office he had asked me to render an opinion on whether he could legally operate a state birth control clinic. I had to tell him that as Health Officer his duties were confined to infectious disease and that the law was not yet ready to so classify pregnancy.

Loren Miller, attorney for the N.A.A.C.P., wrote to say that:

"You were the first person in the history of this state to make the office of Attorney General more than a mere legal department. In time, the stand you took on race restrictive covenants and in the Westminister School case will be acceptable to all people who believe in the democratic process."

On January 7, 1947 I became a national vice chairman of the newly organized Progressive Citizens of America. In another year, this organization was to disappear into the third party -- a suicidal course which I constantly opposed. At the time, the significance of the following language in the organization's preamble had escaped me:

"If the Democratic Party woos privilege and betrays the people, it will die and deserve to die. We cannot, therefore, rule out the possibility of a new political party, whose fidelity to our goals can be relied upon."

This was the position of the political purist -- the kind of progressive who would rather see a reactionary elected than a "lukewarm liberal." I told the Hollywood Press-Times on January 7:

"In the election of a reactionary the pendulum might swing too far to the right and get stuck. Then it would take a cataclysm to get it loose again.

Early in January, I joined the legal defense of the thirteen leaders of the Conference of Studio Unions who had been indicted by the Los Angeles District Attorney on a felony charge. This felony was an asserted conspiracy to commit misdemeanors by disobeying court orders against mass picketing during the 1946 Hollywood strike. This was the last occasion in Los Angeles labor history where the courts were employed in an all-out attack upon labor union activity.

The Conference of Studio Unions was led by Herbert Sorrell, head of the Hollywood painters. It was a federation of all of the A. F. of L. studio locals of carpenters, painters, and machinists opposed to the I. A. T. S. E., the stagehands union. The I. A. T. S. E. leaders, George Browne and Willie Bioff, had been exposed as recipients of $1,100,000 in bribes from the producers. The producers and the I. A. T. S. E. decided late in September, 1946 that the time was ripe to crush the independent unions. A jurisdictional issue was deliberately created. C. S. U. members were ordered to work on "hot" sets which had been constructed by I. A. T. S. E. members working outside of their prescribed jurisdiction. When the C. S. U. members refused to work on these sets, they were immediately discharged and ordered from the studios. Over 9,000 men and women were locked out of their jobs in a single day.

The C. S. U. retaliated by setting up mass picket lines around the studios. Work was paralyzed. The producers went to the courts for relief. However, civil injunctions were not enough for their purposes. They insisted that the District Attorney obtain felony indictments against

the leaders of the C. S. U., including Averill Berman, a pro-labor radio commentator, who became my particular responsibility to defend. At the same time, the City Attorney issued hundreds of misdemeanor complaints against the rank and file picketers. The municipal courts were clogged for months with mass trials of the picketers. The Court dismissed the felony charges once the strike had been broken.

I had taken part in drafting the Community Redevelopment Act which passed the Legislature in 1945. This Act permitted the compulsory clearance of blighted areas by eminent domain. As a native of Los Angeles, I had always thought the Bunker Hill area was ideal for an urban redevelopment project. Upon my return to Los Angeles, I spoke to the planning section of the Los Angeles Town Hall on February 19. I told them of Le Corbusier's plan for a "radiant city" -- one where men could walk to their place of business. The redevelopment of Bunker Hill would do this for downtown Los Angeles. I agreed with Le Corbusier that man should be restored to the use of his legs.

Early that year, I also worked with Bob Powers on a project to circulate a documentary film on race relations among the police departments of the nation. Fred Howser, my successor as Attorney General, had dismissed Powers as soon as he took office. Bob then published a series of articles in the Saturday Evening Post entitled "Crime is My Business." We tried very hard to interest various foundations in the project for police training films, but nothing ever came of it.

Organization of the P. C. A. was going forward. Will Rogers, Jr.

was asked to become a Southern California sponsor. He refused, saying on February 1:

"I will join no liberal group until it contains an anti-communist plank in its platform. American communists have no part in the liberal movement. They work only for Russia's foreign policy. Until the PCA cleans them out, true American liberals should have no part of it."

Harold Ickes, who had been a paid official of the I. C. C., also did not join the PCA. He had become identified with the Democratic Action Committee which ultimately became the Americans for Democratic Action. The A. D. A. was then being organized in Southern California by Melvyn Douglas, husband of Rep. Helen Gahagan Douglas, and Dr. Harry Gervetz of Santa Barbara.

Jo Davidson, the national co-chairman of P. C. A., came to Los Angeles and spoke at an organizing meeting at the Embassy Auditorium on February 11. Local sponsors of the meeting were Dr. Linus Pauling, Gene Kelly, the dancer, and Carey McWilliams.

In mid-February, I was retained by the International Fishermen's Union to defend their officers against an anti-trust indictment brought by Attorney General Tom Clark. The Truman Administration was itching then to find an excuse for prosecuting a C. I. O. labor union.

The fishermen indicted were those who fished for the fresh fish market and not for the canneries. They were small boat owners whose livelihoods were at the mercy of the weather, the supply of fish and the prices paid by the market owners at the docks. Their average income

was $1,800 a year. They were indicted because they struck for the right to have the price of fish agreed upon before they put out to sea. The government called this "price fixing."

The fishermen's grievance was that whenever they managed to catch halibut, the fish buyers told them on their return that the market for halibut had broken while they were at sea and they should have caught bass instead.

The trial lasted for six weeks before Federal Judge Peirson M. Hall. We made a thorough effort to attack the jury selection system in the federal courts. The Supreme Court had ruled that a party was entitled to be tried by a jury drawn from a fair cross section of the community. We contended that hourly wage earners were systematically excluded from Southern California juries. To prove this we called as an expert witness on demography, Professor W. S. Robinson of U. C. L. A.

There was one interesting innovation in trial technique. We were permitted to show the jury a documentary film of the activities of the men who fished for the fresh fish market. The fishermen were convicted and $12,000 in fines imposed.

In March, 1947, President Truman announced his Loyalty Order for all federal employees. This was around the time when Elizabeth Bentley's revelations to the FBI had begun, and Louis Budenz had left the Daily Worker to take a teaching position at Fordham, the Catholic University. Duncan Aikman sent me some verses he had written upon this event:

"When Budenz leaps with heave and lurch
From Mother Church to Mother Church --
Oh, yells of anguish, roars of glee
Split wide apart infinity."

In March, President Truman announced his plan for $400,000,000 in economic and military aid to Greece and Turkey. As Southern California Chairman of P. C. A., I opposed the program, saying:

"The new Truman doctrine of American action on its own is an attempt to by-pass the United Nations and involve the American people in a false and individual crusade. We are trying to save the King of Greece from his own people."

On April 8, the Los Angeles County Central Democratic Committee also urged the Truman administration to reconsider its policy towards Greece and Turkey. The County Central Committee was soon to become a battleground for right wing and left wing resolutions and counter-resolutions, reflecting the ever-widening breach in the democratic coalition.

The gathering force behind the proposed Taft-Hartley bill caused the Los Angeles C. I. O. to call a protest meeting at the Shrine Auditorium on March 28. On that occasion, I said:

"Day by day, continuously, while Congress debates, the courts are accomplishing the purposes of the anti-labor bill. The courts feel free to do this because Congress and the Administration is behind them. The courts are doing this because labor fell down on its political job in the last election and a host of anti-labor senators and congressmen were

elected. We have to prove to Congress and the President that while we make mistakes, we don't go to sleep over them."

Elliott Roosevelt had visited Moscow after the war. When he returned, his views were quite close to those of Henry Wallace. He, too, was opposed to the "get-tough-with-Russia" line of Secretary of State Byrnes. He spoke at the Shrine Auditorium, Los Angeles, on April 18, 1947, under the auspices of the P. C. A. Rollin McNitt, chairman of the Los Angeles Democratic Central Committee, was also a speaker on this occasion.

I introduced Elliott Roosevelt. Two years had then passed since the death of his father. I said:

"No man in American history, not even Lincoln, was abused and villified more than Franklin Roosevelt. When he insisted that labor should have rights and protections equal to those of property, they called him a communist. When he demanded a limitation on income, they called him a socialist. When he spoke to the people, they called him a rabble-rouser and a demagogue. He armed his country for the war against fascism and he was never afraid to use the word "fascism" when he spoke of his enemies. He contributed largely and creatively to that unity of the Big Three which won the war; and he had dedicated his remaining years to maintenance of that unity in the peace-time world. He was never stampeded into witch-hunting. He never believed in labels. He judged men and nations by their acts."

Encouraged by the great success of the Elliott Roosevelt meeting,

the P. C. A. decided to use the Hollywood Bowl for a mass meeting at which Henry Wallace would speak on May 19th.

On April 24, the Bowl directors rejected the P. C. A. application, saying: "The Association does not believe that cultural interests are served by making the Bowl a forum for the dissemination of propaganda, or a sounding board for controversial issues."

We were taken by surprise since the Bowl had been the scene of addresses by such controversial persons as Charles A. Lindbergh and Senator Claude Pepper. However "controversy" had become a very dirty word, indeed, in the American vocabulary of the late 1940's.

Bert Witt, an extremely able young man who had become the secretary of the P. C. A., obtained a firm contract to hold the Wallace meeting at Gilmore Stadium in Hollywood. This arena had previously been devoted to such cultural activities as the racing of midget automobiles.

On May 13, Chairman James Roosevelt sent me a copy of a resolution of the Executive Committee of the State Central Committee deploring the refusal of Hollywood Bowl "to any speaker presenting any political views no matter what they may be." The qualification was attached that "be it understood that this does not indicate the committee's approval or disapproval of such views." Relations between the P. C. A. and the regular Democrats were still cordial. The same letter that forwarded the resolution also enclosed 25 contribution cards for the June 5 Los Angeles Jackson Day dinner.

The Los Angeles County Democratic Committee debated on how to

greet the former Vice President when he came to Los Angeles. A motion by James Roosevelt would have limited the greeting to one by an approved welcoming committee, but this was defeated by a vote of 44 to 37. Instead the organized Democrats decided to greet Henry Wallace with an "informal reception." The vote on this was 51 to 20. Wallace and the Democrats of California were still on speaking terms, although somewhat standoffish.

On April 30, Associated Press carried a Moscow dispatch reporting a statement in Pravda that many "sincere friends" were grouping around the organization of the National Council of Soviet-American Friendship. Among the American friends of the U. S. S. R. mentioned by Pravda were former Ambassador Joseph E. Davies, Albert Einstein, Claude Pepper, Paul Robeson, Henry A. Wallace, Elliott Roosevelt and "the California prosecutor, Kenny." My political opponents made note of this front page story and later used it in circulars on several occasions.

The Wallace meeting was held as scheduled on May 19th at the Gilmore Stadium. Twenty-seven thousand people attended and the collection netted $31,625. Mrs. Elliot Dexter, widow of the silent screen star, gave $1,000, Charles Chaplin $400, and $100 contributions were made by Hedy Lamarr, Cornelius Vanderbilt, Jr., John Garfield, Budd Schulberg, Paul Henreid and Edward G. Robinson.

Katherine Hepburn, wearing a bright scarlet dress, gave the keynote address. The actress declared that American culture was under attack by Rankin and Tenney for the purpose of creating disunity.

Dr. Linus Pauling, of the California Institute of Technology, warned

that the threat of atomic warfare made it imperative that the United States formulate and carry through at once a program for permanent world peace. "The Truman proposals constitute aggresive unilateral action."

I was the master of ceremonies. I introduced Henry Wallace, saying: "I give you Henry Wallace -- the man for 1948."

The crowd took this up as a chant, shouting in football rooter fashion: "Wallace in '48. Wallace in '48. Wallace in '48."

We finally had to blink the lights in order to reduce the tumult sufficiently to permit Wallace to deliver his address during the radio time which we had purchased. When his address faded off the air, after the 15 minutes of purchased time had expired, the radio station's switchboard was flooded with calls from persons who thought Wallace had been "censored" again.

In his speech, Wallace said:

"I am not afraid of Communists. If I fail to cry out that I am anti-Communist, it is not because I am friendly to Communism but because at this time of growing intolerance I refuse to join even the outer circle of that band of men who stir the steaming cauldron of hatred and fear.

"There are many acts of intolerance in our history which we now regret. We drove 100,000 innocent men and women from their homes in California because they were of Japanese ancestry. We kept Tom Mooney in jail for seventeen years.

"I speak of only one source of shame to decent Americans who want their country to be admired by the world. I mean the group of bigots

first known as the Dies Committee, then the Rankin Committee, now the Thomas Committee -- three names for fascists the world over to roll on their tongues with pride.

"Once again innocent men are called before a kangaroo court and smeared without the right of defense.

"No one who dares praise Willkie's vision of 'One World' is safe from attack."

In Wallace's speech, some traces of the third party idea appeared when he said:

"If the Democratic Party betrays its tradition by refusing to give expression to the liberal will of the people, then the people will find expression in other ways."

Before the meeting, Wallace met with members of the County Central Democratic Committee at the "informal reception" for which they had voted. He refused to give them a categorical answer to the question of whether he would head a third party movement, but he did say, "If the Democratic Party departs from the ideals of Franklin D. Roosevelt, I shall desert altogether from that party."

The following night, May 20, I introduced Wallace again at an overflow meeting at the San Francisco Opera House. We had no difficulty hiring a hall for Wallace in San Francisco. I told the San Francisco audience that with the Hollywood Bowl closed to us, cultural activities in Los Angeles had been transferred to the Gilmore Stadium for midget racing. However, the real midgets were on the board of directors of the

Hollywood Bowl. I feared the creation of an American Iron Curtain, with the denial of permission to Wallace to speak at various places, and the efforts of investigating committees to silence protest and isolate dissenters. I predicted that the Wallace movement would stir a sweeping and searching wind across the country, uncovering the nation's latent idealism beneath all of the recent double-talk and double-crossing. "Prople are tired of hypocrisy. Henry Wallace is the first positive evidence that 1948 will offer a better choice to the people than another Missouri compromise."

On May 21, Wallace spoke on the street at Berkeley, after the University of California had refused campus facilities. Thousands of students came to hear him. I'm afraid they were somewhat disappointed. Wallace was so delighted with the great crowds that had come out to hear him in California that he simply loved everybody. The students had come out to hear a fighting speech and Wallace was in too blissful a mood to give them one.

None of my old friends in the Democratic organization of San Francisco came to the Wallace meeting. Arthur Caylor pointed out in the News that the "name" Democrats of San Francisco had left the platform to me and Benny Buffano, the sculptor, then Mayor Lapham's Art Commissioner.

I had offered Wallace as a speaker to the Commonwealth Club of San Francisco. They declined on the grounds of "quality," writing to me that his last address before the Club (in 1944) "was not worthy of the Commonwealth Club platform."

On May 23, I was one of the speakers at the Los Angeles Norris "Pig Dinner" of my college social fraternity, Phi Gamma Delta. The novelist, Frank Norris, had introduced the Pig Dinner ceremonies when he was an undergraduate brother at Berkeley. Still carried away by the tremendous meetings that had been held for Wallace, I told the brothers that Frank Norris, whom they were honoring that evening, was a great non-conformist and had introduced a whole new school of realism into American literature. From that I branched out to the stimulus just given non-conformism in California by Henry Wallace. The brothers didn't like that. I was hissed and heard the call "Go back to Russia."

I told them that I didn't have to. I illustrated my point by telling of the old congressman who finally protested against the carelessness of a fellow passenger who left open the smoking car door every time he passed through. When the congressman finally asked if the passenger was "born in a barn," he received the reply, "You can kiss my ass." "I don't have to," replied the old congressman, sadly, "You don't live in my district."

I had received a special written invitation from the arrangements committee to sit at the head table of the June 5 Jackson Day Dinner. The honored guest was to be Mrs. Franklin D. Roosevelt. This invitation seemed important to accept because I wanted to preserve unity in the Democratic Party in Los Angeles -- to show that it was possible to disagree with Truman and still remain a Democrat. One reason for the California Direct Presidential Primary Law was to eliminate "Ja" voting for incumbents.

I paid my $100 for a ticket and on June 5th I appeared at the banquet. After meeting Mrs. Roosevelt, I started looking around for my place at the head table. I was then informed that there was no place there for me. I went home. The next day the newspapers asked if I had "walked out of the meeting." I replied that I had not, I had just been "edged off" -- the dais. The Herald reported me saying, "This is certainly a funny way to get purged."

On June 26, I was in Pueblo, Colorado to take part in the ABC network broadcast of the Town Meeting of the Air over Station KGHF. This show then specialized in controversy and was moderated by George V. Denny, Jr. It had been very popular for many years. However, its life on the air was soon to be cut short when "controversy" was considered no longer fit for the ears of American listeners. In Pueblo I met Gifford Phillips again. I had met him in Denver the previous year, when I attended a meeting of the Council of Civic Unity. Phillips then owned the Pueblo station where the program originated. Phil Kerby, who later became editor of Frontier Magazine here in Los Angeles, was in charge of the arrangements.

The topic of the broadcast was "How Can We Halt the Spread of Russian Power in Europe?" The other speakers were Senator Wayne Morse, Oregon, E. Palmer Hoyt, publisher of the Denver Post, and Charles A. Graham, Denver attorney and chairman of the Rocky Mountain Social Action Council. The discussion was supposed to turn upon the policy of containing Russia. However, Secretary of State Marshall had

just delivered his June 5 Harvard Commencement speech, and all four speakers wanted instead to discuss the Marshall Plan. We all favored the United States aiding the economic recovery of Europe. Palmer Hoyt took a pot shot at Henry Wallace as a "fellow traveler." I defended Wallace as one who had come out for the equivalent of the Marshall Plan even before Secretary Marshall had delivered his Harvard address. During the question period, the following question came from the audience:

"If Russia continues to weaken Europe from the back door while we try to feed it from the front, why don't we stop Stalin first?"

Mr. Kenny: "I assume that you are asking why we don't bomb Russia right away. Well, assuming such a plan was a great success, that our A-bombs worked just beautifully, and that we were able to pull it off with only another million Americans killed, wouldn't we then have to deal with a conquered world? Wouldn't we have to set up a police state? About the time we got a conquered 200,000,000 Slavs under control, wouldn't we then have our mothers and sisters demanding to bring the boys back home, and wouldn't another 15 years see us having to stage another one of your preventive wars? I think the whole thing is not only silly but terrifying."

Senator Morse: "I want to say that I think Mr. Kenny is quite right in the position he has just taken. War is not the solution to our problem with Russia. We've got to demonstrate to Russia our determination to enforce the peace, but we've also got to demonstrate to her that we are willing to cooperate with all the Allies in rehabilitating Europe so that we

can have peace; and we're simply asking her to come through with her promises to work with us as an ally that helped win this war."

Mr. Kenny: "Today we think that this is more than ever 'One World.' We see Europe and America in the Atomic Age as Siamese twins. One cannot live without the other. It would be just plain suicide for America, the healthy twin, to refuse to give a blood transfusion which would save the life of her European sister. The hungry European today cannot eat any ideology, whether it is democracy, or free enterprise, or communism. Use the United Nations to feed him, assure him a decent economic future, and then the ideologies will take care of themselves.

"Don't let our native saber-rattlers frighten you with words like 'war' and 'aggression' and 'appeasement.' We are in a world economic emergency, and we mustn't lose our heads. If we plan, we can have a world of peace and plenty for all of us in the world."

District Attorney Pat Brown of San Francisco was one of my listeners on that broadcast. He wrote me on June 30:

"I know from past experience with you that you are moved only by what you consider the best interests of your country. I share with you some hesitation with respect to the program in Europe but I am withholding my judgment until all the facts are before me. I hope that it is not too late. I invite your attention to two recent editorials in L'Osservatore Romano wherein it is stated that each country must decide for itself the particular form of government under which it desires to live. I know your inner feelings about what you consider the reactionism of the

Catholic religion and can well understand some of your criticism. However, I believe that you would do a great service if you would try to implement this fact with the people with whom you are working. The deterioration in feeling between Russia and this country is frightening indeed. There is a need for some agency with an understanding of the problem to bridge the gap. Even the most reactionary person believes that Russia is entitled to her form of government even if it is Communism and, I am sure, is willing that the other Balkan, or, for that matter, any other states, may decide what form of government they desire. He does, however, deeply fear the fervor of the Russian Communist who desires by revolutionary means to impose it upon people who do not want it.

"I heard your speech on the radio and though it was excellent. You and Senator Morse were outstanding. However, I did think you emphasized needlessly your support of Wallace, and introduced an issue that was completely foreign to the problem.

"I am writing this letter because of my deep friendship and admiration for you and whatever course you take; although I may disagree with you, you may count upon me as a true friend. I do feel, however, that you owe a debt of consultation with those who have supported you over the years. You will recall that in the campaign you received very little support from those with whom you are now associating."

I replied to Pat as follows:

"There has been too much needling going on between both sides and this is a very terrifying pastime in an atomic age. I have long been

convinced that an institution like the Catholic Church could not have lasted 2,000 years without a strong sense of realism and certainly the only realistic approach today is one which works to lessen needless aggravations of conflicting ideologies.

"I hope sometime we can get the same desire for harmony in the Democratic Party. We almost had it in the Roosevelt delegation in 1944 and sometime we can have it again when our friends stop reading each other out of the party. It is pretty silly to fight for power when we have already lost it."

I continued East from Pueblo after the broadcast, and attended a meeting of the National Board of Directors of P. C. A. at Chicago. Jo Davidson's health had failed him again, and his physicians had advised him to go to Paris for a long rest. I was elected co-chairman in his place. Frank Kingdon and I presided at the directors' meeting. Among those present were Dashiell Hammett, the mystery writer, Aubrey Williams of Montgomery, Alabama, and A. F. Whitney of the Railroad Brotherhoods.

From July 9th to July 13th, the Southern California P. C. A. took over the Beverly Hills Hotel for a conference on "Thought Control." An all-star cast of California progressives took part in the discussions.

My partner, Morris Cohn, read a paper on thought control by legislative investigating committees, a topic that was to become much more immediate in the ensuing months.

In closing the session, I said that P. C. A.'s answer to the reac-

tionaries was "if you don't like it in this century, go back to the one you came from."

The July 14th issue of Newsweek devoted itself to a discussion of the California Democrats. It said that James Roosevelt had been trying to reconcile "the Kenny left wing" and the "Pauley right wing" factions around his own "center" position. This was incorrect. As yet, the P. C. A. had not come into collision with the conservative Democrats. It was the A. D. A. and the P. C. A. who were struggling for leadership of the liberal wing of the Democratic party. Roosevelt was doing his best to keep the peace between these two liberal factions.

On July 19th, the California Democrats for Wallace were organized formally at a meeting called by me in Fresno, California. Three hundred and twenty-five delegates from all parts of the state attended. The organizing committee had ordered up a supply of buttons reading "Wallace in '48." Political writers from all over the country were in attendance. They had come West for a Republican function and had justified their expense accounts by also looking in on the Wallace meeting.

I told the delegates: "A race between Dewey and Truman would be as phoney, and as meaningless, as one of those wrestling matches in which both contestants grunt and groan for an hour and a half, and then ride home in the same automobile. And divide the prize money.

" ... Truman has led the pack of witch-burners with his shameful executive order authorizing a so-called 'Loyalty Check' of government employees -- an investigation which will cost the voters $25,000,000 in

cash, and infinitely more in the curtailment of American liberties.

"We didn't need it during the war. Why do we need it now? Could it be because the bi-partisan bloc seeks to stifle all possible criticism of its policies? We honor two California Democrats who fought this program -- Helen Gahagan Douglas and Chet Holifield.

" ... Let me remind you, in case any of you haven't heard, that the GOP is expecting to win the 1948 election practically by default, because they are assuming Mr. Truman will head the Democratic ticket. The only way we can make a real fight of it is by nominating Henry Wallace.

" ... There's another question I've heard a thousand times these last few weeks -- and it's an important question, too.

"Will a fight for Wallace split the Democratic Party?

"The answer is no, it will strengthen the Democratic Party!

"The Democratic Party was united in 1944 -- and in 1940. It was united within itself, and united with the independent liberals who hold the balance of power on Election Day.

"What has destroyed the unity of the Democratic Party is Mr. Truman's abandonment of the policies of Franklin Roosevelt. Party unity can only be restored by a return to the Roosevelt principles, as enunciated by Henry Wallace.

"The Democratic Party, no matter what you read in the papers, does not consist of Mr. Truman and a half dozen leaders whose names appear in the columns of political analysts.

" ... We intend to get Wallace on the ballot in the Democratic

primaries here in June, 1948. California is one of the few states in which it will be possible to have an absolutely clear and clean contest between Wallace and Truman, in a Democratic primary. That's because of the way the ballots are printed, under our state election code. The ballot will say -- 'Delegates preferring Henry Wallace -- and 'Delegates preferring Harry S. Truman.' The delegates are not named -- the voters simply choose whether they want a delegation instructed for Wallace, or for Truman.

"If California Democrats roll up an impressive plurality for Henry Wallace -- which I have every reason to expect -- this California vote will have a profound effect on convention sentiment.

"It will be the clearest possible demonstration to the stand-pat guardians of the Truman banner, that the people want Wallace, not Truman. And the delegates from other states realize there's nothing peculiar about California. They know the folks back home in Pennsylvania and Massachusetts are much the same as the people in California -- in fact, they all have relatives out here.

"There is the same ground swell of sentiment for Wallace in New York and Michigan and Illinois and Ohio and Pennsylvania. Politicians in other Western states than California are aware of it. What is needed is a clearcut demonstration at the polls -- and that is the job we California Democrats have got to undertake.

" ... Now -- another question. This one has been asked not only by Democrats from every quarter, but the newsmen have shown particular

interest in it.

"Are we starting a third party?

"The answer is no, we are not starting a third party. We are here as Democrats, fighting for a live and progressive Democratic Party. We are fighting for the nomination of Henry Wallace as the presidential candidate of the Democratic Party. We are starting the machinery for a delegation to the Democratic National Convention that will be for Wallace all the way, with no compromise.

" ... The only reason the possibility of a third party is even mentioned is because the Democratic Party is no longer a second party. Today, a Democratic president sees eye to eye with a Republican chairman of a Foreign Relations Committee on a policy which, under the old slogan of fighting Communism, is supporting reactionary governments everywhere, fighting the democratic upsurge where it can. Mr. Truman's War Department sends Chiang Kai Shek 135,000,000 rounds of ammunition, though we still pretend to take no part in China's tragically prolonged civil war.

" ... There was no third party talk in the days of F. D. R., because the Democratic Party, as the party of the people, held out hope to independent voters.

" ... Henry Wallace can and must be the champion of the people in 1948. Events are rushing to a climax in Europe, in Asia, and here at home, while the atom bomb hovers over the world.

"At such a time, we must remember that the Democratic Party is

not the party of Rankin and Bilbo. It is not the party of Truman and the Missouri gang. In California, it is not the property of any group or clique. The Democratic Party, numerically, ideologically, and historically, is by a vast majority, the party of liberal voters. It is the party of Claude Pepper and Glenn Taylor, of Franklin Roosevelt and Henry Wallce. The strength of our party -- all of its strength -- can only be mobilized around a fighting liberal program -- for the sake of America and of the world."

The delegates adopted the plan to place a Wallace delegation in the California presidential primary in 1948.

Chairman James Roosevelt had called a special meeting of the Democratic State Central Committee for July 26, in Los Angeles. Many members of the Wallace Democratic caucus were also members of the State Central Committee. The principal objective of the handful of Wallace supporters who attended this meeting was to prevent any endorsement of the Truman foreign policy. One of these, Robert Condon, later a Democratic member of Congress, spoke. He said that the foreign policy section of the Resolution Committee statement of July 26 was a retreat from the original statement that had been issued by James Roosevelt on June 3, just before the Jackson Day dinner.

Roosevelt's first position had caused John W. Snyder, Secretary of the Treasury, to cancel his engagement to speak at the Democratic dinner. It had declared that the United States should abide by and use the United Nations in international relations. However, the amended statement had said that if it suited our convenience, the United States could bypass the

United Nations as it had in the case of Greece and Turkey.

Condon offered to substitute the original statement in place of the later amended version. Condon's motion was tabled. Chairman Roosevelt gave me permission to address the convention. I addressed him instead.

"We were with you when you signed the original statement on foreign policy. That was the statement that kept Snyder from coming here. We wanted to be with you before this retreat from the original statement on policy was forced upon the Democratic Party of California by Snyder."

Michael Fanning, Los Angeles Postmaster, and I had reached a private understanding designed to prevent an outright clash between the P. C. A. and the regular Democrats. The P. C. A. group agreed to support a resolution that would commend President Truman for his veto of the Taft-Hartley Act. In turn, the regular Democrats would then present a resolution which would recognize the right of any Democrat to run for office in the presidential primary. This was to have the unanimous support of Fanning's group.

I got my friends to vote for the first resolution and then, through a slip-up, the second resolution was never presented. Fanning wrote me later in detail concerning his chagrin over this slip-up.

On July 31, I travelled to Vancouver, British Columbia to appear on another Town Meeting of the Air broadcast on the subject of "What Should Be Our Role in Aiding Europe Now?" The other speakers were Dr. Wilson Compton, president of Washington State College, Mrs.

Dorothy Steeves of the C. C. F. (Cooperative Commonwealth Federation) party, Major General George Pearkes, then Progressive-Conservative member of Parliament from British Columbia, later Lieutenant Governor of the province. I said:

"All three speakers agree, and I do, too, that it is to the economic interest of North America that we aid Europe immediately.

" ... I'm afraid, however, that in the United States, until we get past the next election, we are just going to continue to debate and play politics with European recovery.

" ... When we do get around to aiding the people across the Atlantic, I want us to help the rebirth of a new Europe, a new Europe that is eager to provide a better life for its people and not to re-establish an old pre-1939 model of a "Mittel Europa" -- a Europe that furnished prosperity only for a few and a fearful insecurity for everyone else.

" ... We must not forget the Potsdam agreement and we must not permit Germany to become an industrial nation again. I think we should remember that the Potsdam agreement was written while Belsen and Buchenwald were still an actual stench in the nostrils of the civilized world.

" ... I am more interested in the recovery of our former Allies than in the recovery of our former enemies. I am optimistic about tonight's meeting. There wasn't a speaker who said a word in defense of that precious Truman Doctrine. Two months ago, it would have been treason not to cheer it and say that it was the greatest doctrine ever

conceived by the mind of man. And nobody's even dared to defend it two months later. That's human progress."

While in Vancouver I met Nathan Nemetz, a brilliant young lawyer of Vancouver. He is now Mr. Justice Nemetz of the Supreme Court of British Columbia. After the meeting, Mr. Nemetz took me and Rhys Williams, author of many books on Russia, to visit the home of the head of one of Vancouver's department stores. Williams and the department store executive were enthusiastically talking of plans for a trip to Russia. I expressed my amazement. I knew no department store head in the United States who even had an open mind on the subject of the Soviet Union, much less wanted to visit it.

The Southern California P. C. A. organized a "Liberty Caravan" to take the story of the findings of the Thought Control conference to the hinterlands. During the weekend of August 8, I travelled with a group of actors and writers to Salt Lake and Denver. One group included John Garfield, the actor, Paul Draper, the dancer, and Larry Adler, the harmonica virtuoso. They performed and I made speeches -- a sort of talkaphone concerto. In Salt Lake City none of my old Democratic friends came out to meet me, but I made several new friends, including several members of the University of Utah faculty.

The National Lawyers Guild held a Far Western conference at Santa Monica on the weekend of August 15. Panel discussions were held on Monopoly and Development of the West; the Taft Hartley Act; and Legislative Investigating Committees and Freedom of Thought.

Fiorello LaGuardia had listened to my broadcast from the Vancouver Town Hall meeting. He wrote me on August 4, saying:

"It was too bad time did not permit you to make a sustained statement pointing out the belated recognition of the mistakes in the so-called Truman Plan. The American people need a good dose of information.

"Things are moving so fast that some of the statements made in support of the military aid to Greece and Turkey now seem silly.

"There are so many things that I want to talk over with you, but I am not physically able to do so now. As soon as I am able, I should like to pick up the various threads and make preliminary arrangements for a small conference of Eastern, Midwestern and Far Western progressives and independents. You hold a key position and could be very helpful."

Mayor LaGuardia asked me to take over his weekly national program on Mutual Network on August 23. I accepted and said on the LaGuardia broadcast:

"There is a new Europe in the making today -- one whose leaders are anxious to provide a better life for their people. Despite the devastation of war, a really heartening comeback is being staged by many countries. This new Europe deserves our help. However, this people's revival is threatened by the same selfish interests which prospered in the old pre-war Europe when I. G. Farben ruled the economic roost. So today, whenever you hear a denunciation of the Potsdam Agreement or the Morganthau Plan, look around for a would-be successor of the old Farben cartels.

"Remember that before the last war the great German cartels were operating in a conspiracy with allied monopolies in other nations, including our own. Through this operation, Germany's great industrial region, the Ruhr, attained an economic domination over all of Europe. Other countries could produce raw materials at low wages and living standards and these products were brought to the Ruhr for conversion into manufactured articles. Large portions of the European population remained in abject poverty so that Thyssen, Stinnes, Krupp and their American, British and French collaborators could prosper enormously.

" ... Two years ago, when President Truman, Premier Atlee and Marshal Stalin sat down at Potsdam, they were in one general agreement -- a different kind of peace would be imposed on Germany this time.

" ... The great decision at Potsdam was that Germany's war potential, its industrial plants, would be broken up and distributed among the victorious allies as reparations.

" ... It all seemed so logical that peace-loving Americans went to sleep. But the 'soft peace' for Germany boys never stopped working. The stakes were too high. To them Germany was a prize, not a problem. They reasoned that those who would inherit the Ruhr industries would inherit a large share of the earth. Germany's productive capacity had been damaged only 13% by Allied bombing.

"Just get control of the machinery -- get it rolling -- and happy days would be here again for the old cartels.

" ... Apparently, the first plan was to quietly slip the Potsdam

handcuffs off the German industrial giant while we were bravely defending the democracy of corrupt Greek kings and Turkish dictators.

"However, this move alerted liberals all over the world. Most of the non-Communist European governments were disturbed at the unpopular spectacle of American money and munitions being used on the side of former collaborationist governments.

"Therefore, on June 5th, the Marshall Plan was announced to erase the fears aroused by the Truman Doctrine. Europe would only be helped to help herself. But how would the bill be paid? On this the Marshall Plan was silent.

"Then the answer came. On July 11th the United States rescinded the 'hard peace' directives and the cat was let out of the cellophane bag. It turned out that we were going to pay the bill for European aid by letting German industry produce for us. Well, after all, this was just where we came in. It was the same old movie all over again -- the Versailles mistake that let us in for World Warr II after World War I."

A few days after my broadcast, Mayor LaGuardia wrote me:

"Doesn't it seem strange that with all the daily news items that come from Greece, with the situation as it is developing, no one who sponsored the plan of military aid to Greece has stood up and said, 'Yes, we were wrong. We had better approach this from another angle'?

"The Senate was provided with all the information, even though the reports submitted to the President might have been one-sided. Every single, solitary event that has taken place was predicted, and the Senate

was informed: that we were by-passing the United Nations; that it was not a task to be taken unilaterally; that it would not in and of itself subdue opposition to the present government of Greece.

"Seemingly, it is all being taken in stride, and the first thing we know we shall be involved in some very delicate situations, the money spent, no friends made, and nothing accomplished.

"Again, I want to express my thanks and the hope that we may meet real soon."

Less than a month after this letter was written, Mayor LaGuardia died of cancer on September 20, 1947.

On August 24, six hundred people met at the Rodger Young Auditorium in Los Angeles to launch the organization of the Independent Progressive Party of Californis. I had been opposed at all times to the formation of a third party in California and I did not attend this affair. Hugh Bryson, head of the Marine Cooks and Stewards, C. I. O., became the chairman of I. P. P.

On August 26, the Truman Loyalty check produced its first offspring in Los Angeles. The Board of Supervisors adopted a County employee loyalty oath test. A long list of suspect organizations was provided and the employees were required to indicate their past or present membership in them. Some of these organizations were the Mobilization for Democracy, H. I. C. C. A. S. P., even the Tom Mooney Defense Committee. A test suit against the oath program was immediately started, but the litigation was protracted and inconclusive.

Another nation-wide broadcast of Town Meeting of the Air took place in Los Angeles on September 2. Albert Dekker and Emmett Lavery, President of the Screen Writers Guild, were on one side and Jack Tenney and Mrs. Leila Rogers, mother of Ginger Rogers, were on the other. Mrs. Rogers was spokesman for the Hollywood Committee for the Preservation of American Ideals. This was a conservative group which had become greatly agitated after the Wallace meeting at Gilmore Stadium. The conservatives really believed that the "Hollywood Reds" were collecting millions of dollars for subversive purposes. These fears ultimately triggered the Hollywood Un-American Activities hearings which took place in Washington, D. C. the following month.

On September 5, James Roosevelt was interviewed in New York on the "Meet the Press" radio program. The Los Angeles Times for September 6 reported this:

"Asked why Republican Gov. Warren is 'able to carry so many Democrats in California' and why he was 'able to get both the Republican and Democratic nomination and win so overwhelmingly,' Roosevelt said:

"'Well, I think there are two answers to that. The first answer is, very frankly, that I feel the campaign conducted against Gov. Warren by Mr. (Robert) Kenny, who was the leading Democratic man running in the Democratic primary, was such a half-hearted effort that most people felt that it was not a true contest.'

"Roosevelt told his radio questioners there is dissension in the California Democratic Party 'because I think the Democratic Party in

California is made up, as it is in many other States in the nation, of extreme leftists and extreme rightists and, naturally, as the result of that, there is a considerable difference of opinion.'"

In response to this, on September 6, I said:

"I recognize that political ingratitude is a necessity in a republic. But Mr. Roosevelt overdoes it when he deliberately kicks a man when he is down. In 1946 Mr. Roosevelt was paid $25,000 a year by H. I. C. C. A. S. P. to support progressive candidates. But he was too busy selling insurance to make more than a few perfunctory appearances during the primary campaign. Many progressives lost. Now he blames it on my 'half-heartedness.' Well, at least I retained my amateur standing. I am still able to act independently. I am for Henry Wallace. I don't have to bow to the will of the Democratic machine and come out for President Truman as Mr. Roosevelt did last night."

C. B. "Beanie" Baldwin, Executive Vice Chairman of P. C. A., sent me the schedule of Wallace meetings to be held in the East under the auspices of P. C. A. He also asked my advice on the date for the P. C. A. National convention. On September 9, I replied that I believed the convention should not be held until the following January, saying:

"The reason I favor delay is because of the current confusion in California between the Democrats for Wallace movement and the third party activity. Our Chicago political statement represents the correct position for P. C. A. nationally. You remember that we said that we should support both those who work for progressives in the Democratic

Party and those who set up machinery for a third party.

"However, I think we should have added a proviso that in those states such as California (via the independent nomination route) and New York (via the A. L. P. route) where the election machinery permits deferment of selection of third party presidential candidates until after the Democratic Convention, all work should be concentrated within the Democratic Party. I notice this is exactly what is being done in New York. However, in California a promising Democrats for Wallace movement has been immobilized by the current quixotic attempt to obtain half a million signatures for a third party."

I left on September 24 for a protracted trip. My first stop was Berkeley, where I attended a meeting of approximately 500 "Students for Wallace." In Portland, I found that many of my old Democratic friends were ready to enter Henry Wallace as a candidate in the Oregon Democratic presidential primary.

I flew from Portland to Boston, Mass. to appear with Henry Wallace at a meeting in the Boston Arena. This was the first occasion I ever witnessed the ugly conduct of fascist hecklers. Politics in California were fairly genteel -- some picketing, perhaps, but no heckling. I was shocked with the undercurrent of violence displayed by Henry Wallace's Boston opponents. The open hatred was frightening.

On October 3, I was in Ebbett's Field, Brooklyn, attending a Yankee-Dodger World Series game. The Yankee pitcher, Bill Bevens, had a no-hitter going with two out in the bottom of the ninth and a one run

lead in his favor. A Dodger pinch-hitter, Cookie Lavagetto, broke up the no-hitter with a booming hit to the right field wall, scoring two base runners ahead of him and winning the game. The Brooklyn fans walked out of Ebbett's field in a stunned, low-mumbling delirium.

I left immediately for Philadelphia to attend a P. C. A. board meeting. On arrival there, there was a telephone call from Hollywood. The Thomas Un-American Activities Committee had served subpoenas all over town. I was wanted back home to discuss the legal aspects of the scheduled hearings. It was a good thing I had gone to that ball game. It was to be the last relaxation I was to know for a good many months.

The Hollywood people were subpoenaed to appear in Washington before the House-Un-American Activities Committee on Monday, October 20.

On October 15 there was a P. C. A. mass meeting at the Shrine Auditorium. The subpoenees who appeared on this occasion were Alvah Bessie, writer, Herbert Biberman, associate producer, Berthold Brecht, author, Lester Cole, writer, Edward Dymtryk, director, Gordon Kahn, writer, Howard Koch, writer, Ring Lardner, Jr., writer, John Howard Lawson, writer, Albert Maltz, writer, Lewis Milestone, director, Samuel Ornitz, writer, Larry Parks, actor, Irving Pichel, director, Waldo Salt, writer, Adrian Scott, producer, Robert Rossen, director, and Dalton Trumbo, writer. Opening the meeting, I said:

"I have the honor to speak for a group of distinguished American

artists. Most of them are known to you personally. All of them are known by their work. They are good men and, in a way which history will light up more and more, I believe they are great men.

"I am permitted to say what perhaps modesty would forbid them to say. I have never counselled a group of men so learned, so courageous, and so thoroughly understanding what the case is about. Americanism today is what the debates, wars, elections, and litigation of the past have brought us. These men know a great deal about Americanism and about the struggles by which it was won. They know that it must be fought for in the legislatures, as well as on the battlefield."

" ... I am one of several lawyers for these men. We have all advised them that the powers of Congress are less than the force of the Bill of Rights ... We have advised that when questions go beyond the powers of the committee or into the immunities of the witness, they need not answer. In short, we have advised that the Constitution of Holmes, Brandeis and Cardozo is as powerful as ever and worthy of confidence by all who respect it.

" ... It is my proud privilege to tell you that each and every man we represent has individually determined he will not yield at any point in upholding the constitutional rights of the American people and of the industry of which they are a part."

On the following day the Hollywood Nineteen and their lawyers flew East together in a plane which Gordon Kahn called the "Flying Tumbril." There was a stop-over in Chicago for an enthusiastic mass

meeting.

The Hollywood group took a large suite at the Shoreham in Washington, D. C. On the night of October 19, on the eve of the hearings, the lawyers for the Hollywood Nineteen met with Eric Johnston, head of the Producers Association and the producers' lawyers. Lawyers for the Hollywood Nineteen included Bartley Crum of San Francisco, Charles Katz and Ben Margolis of Los Angeles, Martin Popper and Sam Rosenwein of New York.

On the occasion of the meeting with Eric Johnston, I asked him the question uppermost in the minds of all of us: "Are you going to blacklist these men if they defy the committee?" Johnston replied: "You know that I would never sponsor anything so un-American as a blacklist."

The producers had fought the Wheeler-Nye Committee in 1941 when it sought to investigate Hollywood for producing too many "Pro-Allied" pictures. On that occasion the producers retained Wendell Willkie to represent them. He took a resolute stand for the freedom of the screen against Congressional interference. The producers told us that their position was unchanged and that they would resist the Committee's investigation as a form of censorship.

The producers had retained Paul McNutt, former Governor of Indiana, to represent them. McNutt took his assignment seriously and made many brave speeches in opposition to the Committee. Later, when the producers abandoned their original position and capitulated to the Committee, McNutt's retainer was dropped and his voice was not

further heard in behalf of the producers.

The hearings began October 20. The first week was devoted by the Committee to hearing witnesses who were friendly to the Committee's investigation of Hollywood. Some producers, notably Louis B. Mayer and Dore Schary, spoke out bravely against any censorship of the content of film by Congress. Louis B. Mayer, a former Republican National Committeeman, was bullyragged by the Committee because he had produced "North Star," a film portraying the Soviet Union in a friendly light. Ayn Rand, a "friendly" witness, said that this was a false picture because it portrayed laughing children, a thing which was simply never to be seen in Russia.

The most picturesque of the "friendly witnesses" was Adolphe Menjou who told the Committee: "Any one attending any meeting in which Paul Robeson appears and applauds can be considered a Communist."

Not only was "Mission to Moscow" said to be Communist propaganda, but any play which represented rich industrialists as guilty of harshness and oppression was similarly attacked.

Witnesses like Mr. Menjou were treated with extreme deference by the Committee and permitted a wide latitude of comment. However, only one of the Hollywood Ten was permitted to make a statement. Nor was their counsel permitted to cross-examine the witnesses who had testified about them. Even Dies, on a number of occasions, had permitted such cross-examination.

At the end of the first week, Allen Drury described my activities

in a syndicated column from Washington:

"Of all the interesting performers at the un-American activities committee hearings on Hollywood, perhaps the most interesting of all for Californians intrigued by the political ups and downs of their lively state is the rotund and witty Robert W. Kenny, erstwhile attorney general and present backer of Henry Wallace for president.

"Mr. Kenny is counsel for some 19 stars and screen writers allegedly involved in activities which the committee says are communistic. In this new role he is, as always, squarely in the limelight and apparently having a wonderful time.

"Faithfully each day he appears with his clients, smoking cigars and cigarets in indiscriminate profusion and uttering exasperated wisecracks in a belligerent murmur as the committee proceeds to develop its case. He makes no secret to the press of his general contempt for the type of hearing being conducted, and although his attempts to interfere have so far been successfully overruled by Chairman J. Parnell Thomas (R., N. J.), he indicates that he is by no means beaten yet. Fireworks are his specialty and it will be surprising if the investigation ends without a few from him.

"As for his political operations in California, where he has successfully split the Democrats wide open by organizing a Wallace-for-President ticket to run in the primaries next June, he remarks with his customary engaging candor that what he is really doing is 'giving the party a shot of adrenalin.'

"'And they'd better take it,' he observes with a chuckle, 'unless they want to get trounced with Truman.'

"Win, lose or draw for Wallace, he says his campaign for the former vice president will be bound to have a healthful effect on the party. It will stir up interest, get a big turn-out at the polls in the primary, and keep the Democrats on their toes clear through the general election in November. Under the inspiration of his 'shot of adrenalin,' he predicts, registered Democrats will vote Democratic in 1948. If that happens, the party will carry the state.

" ... There is a certain haphazardly entertaining quality about his zig-zag course through public life which is hard to explain unless it can be explained as the record of a man who is living the most enjoyable life he knows how within the framework of contemporary politics.

" ... When all is said and done, Bob Kenny perhaps can be said to add up into the Puck of politics -- always in the thick of a battle, having a grand time raising hell for its own sake, but not following too much of a connected pattern or animated by too many consistent purposes. As such, although he has now lost a great deal of his influence and has become one of the less effective figures on the current political scene, he continues to hold unchallenged title as one of the most entertaining."

On August 27, the real fireworks began when my clients, "the unfriendly witnesses," were called. John Howard Lawson and Dalton Trumbo were the first two. Their defiance of Chairman Thomas and his committee so angered the chairman that he ordered both of them re-

moved from the stand. The next day Albert Maltz was called and after he left the stand Thomas surprised everyone by calling me as a witness. He had a story in a Washington afternoon paper in which I was quoted as saying that all of my clients might have to "walk the plank" before his committee. Seeking to develop a conspiracy charge, Thomas asked me if I had given that advice to my clients.

I informed the chairman that since he was not a lawyer he did not realize the impropriety of the question he had asked. "If I answered your question and revealed the confidences of my clients, I would stand disgraced before every one of the 100,000 lawyers in the United States."

This gave Thomas pause, and he conferred with the other members of the committee. He turned back to me: "Well, you got out of that one, but don't forget there are conspiracy laws in the United States."

I smilingly replied: "Well, I think you got out of one, too. Professional confidences remain inviolate. Let us say that neither one of us is intimidated."

At the end of the week it seemed to most observers that the Hollywood people had the best of it. Ten of my clients had stood upon First Amendment grounds and refused to answer questions on their political affiliations, particularly the question: "Are you now, or have you ever been a member of the Communist Party?"

I represented one more client before the committee. This was Berthold Brecht, the great German playwright. Brecht had been driven out of Germany by an un-German Activities Committee. Then he was

forced out of Denmark by the approaching Nazis and their Un-Danish Activities Committee. This was repeated in Sweden. He then travelled across Russia and Siberia. Just as his ship had cleared Vladivostok for San Pedro, California, word was received of the attack on Pearl Harbor. The ship did not turn back, and Brecht ultimately arrived in Hollywood. His story, "Hangmen Also Die," was produced on the screen. Then the Un-American Activities Committee caught up with him. When he appeared in Washington, Brecht had an airplane ticket in his pocket which would take him back to Europe.

Before he took the stand, Brecht gave me two cigars. "One is for you and one is for me," he said. "If you think I am getting excited, please hand me a cigar and we will both light up."

The questioning took nearly an hour and we set up quite a smoke screen while it was going on.

When the Committee came to the Communist membership question, Brecht said: "I am not in the same position as my friends who have been on the stand. They are citizens of your country, and I am not. I do not intend to get into a legal quarrel with you, since I am going to leave this country as soon as I can."

Under these conditions Brecht answered the crucial question, saying that he had never been a member of the Communist Party. Investigator Robert Stripling tried to contradict Brecht's assertion by reading some translations of Brecht's verse. The translations were unrecognizable and the matter soon became too ridiculous even for Thomas.

Stripling was waved away and Brecht excused from further interrogation.

A few days later, Brecht told a friend in Paris that the Committee had been very kind. "The Nazis wouldn't have let me smoke."

I returned at once to California where there was much work to be done to help the men keep their jobs in the studios. A clamor for a blacklist was set up by the Hearst newspapers. The producers capitulated and, one by one, the contracts were broken. On November 24, the House of Representatives adopted the Committee's recommendations and the ten "unfriendly" witnesses were cited for contempt of Congress. From then on, the group became known as "The Hollywood Ten."

While Congress was acting that day, the producers were meeting in New York at the Waldorf Astoria. It was at this meeting that the producers agreed to capitulate to the Committee and to discharge any employee who refused to answer questions on Communist Party membership. The breaking of the contracts with the writers precipitated litigations that continued for the next seven years.

Beanie Baldwin again solicited my views on the Wallace campaign and on December 3, I wrote him:

"Mr. Wallace should announce that he will be a candidate for President and express the hope that he will be supported by the Democratic Party as well as by any independent groups already formed or which may be formed before the 1948 campaign.

"Immediately after this announcement, Mr. Wallace should telegraph leaders of the Democrats for Wallace movement in those states

where they are now active, i. e. California and Oregon. Such wires should say that he appreciates their efforts in his behalf and that he will make himself available personally to come to their states and speak during the Presidential primary campaigns. The primary election in Oregon is May 8th and in California June 1st."

I thought it impossible to qualify a third party in California by obtaining 275, 970 valid petition signatures before the February 26 deadline. I was wrong. One factor was that many Republican County clerks were glad to cooperate by giving the petitions a most charitable count. Very few signatures were thrown out for technical reasons. When the final tally was made in November, 1948, Wallace only received 190, 381 votes in California, many less than the signatures that had been approved on the petitions the previous February.

On December 17, there was a meeting of the P. C. A. executive committee in New York. I was not there. The Committee disregarded the advice I had given and came out in favor of the formation of a third party. Dr. Frank Kingdon resigned as co-chairman because of this. This left me the boy on the burning deck; I was the only P. C. A. chairman left. I never resigned from any organization during those days, but some did resign from me. Leslie Claypool, political editor of the Los Angeles Daily News, quoted me on December 18 as saying:

"I am not tying up with the third party. I am not fighting it. I'm just not crawling into bed with it. I suspect they will be back in the Democratic party some day. I am for Wallace, but I want him as the

candidate of the Democratic party. You know, the progressives have taken the Democratic party over before and they may again."

Another I. P. P. mass meeting was held at the Shrine Auditorium in mid-December, and I pointedly did not attend.

Henry Wallace phoned me after Christmas and asked me to meet with him in Chicago. I did so. I learned from him then that he would momentarily announce as a candidate on the third party ticket. I begged him not to close the door to his candidacy in the Democratic primaries in those states where the primaries were open. I could obtain no commitment from him. Harold Young, the genial Texan who had been solicitor of the Department of Commerce when Wallace was Secretary, agreed with me. Young and I left Wallace in Chicago and went on to New York. The next day, when Wallace's announcement came out, I told Squire Behrens of the S. F. Chronicle that despite Wallace's third party announcement, his name would still be entered in the California and Oregon primaries if he would give the necessary consent:

"I am not speaking for Wallace. I am speaking for West Coast Democrats. I don't see anything inconsistent between Wallace's third party statement last night and his running in the regular Democratic party primary in California."

I celebrated a strange New Year's Eve in New York. It was in the midst of the worst blizzard in many years and took place at Hannah Dorner's apartment. Paul Robeson was there and Beanie Baldwin. So was Harold Young. There was a tremendous effort made that evening to persuade Young and me to go along with the third party idea but we declined.

CHAPTER TWENTY-NINE

HENRY WALLACE'S CAMPAIGN - 1948

The P. C. A. staggered along to its ultimate dissolution. It held its convention as scheduled in Chicago on January 16. A. F. Whitney of the Railroad Brotherhood had left the P. C. A. and Henry Morganthau had announced his support of President Truman. Since Jo Davidson was in Europe and Frank Kingdon had resigned the previous month, I was elected as a stop-gap chairman, despite my opposition to a third party. In a few months the P. C. A. resigned from me, its chapters all over the country dissolved and merged into the Independent Progressive Party.

Frank Rogers of the Los Angeles Daily News discussed this in a Chicago dispatch, dated January 16:

"Kenny said he saw nothing anomalous in his advocacy of Wallace's entrance into the California election picture as a Democrat while at the same time the organization which he heads is plugging mightily for a Wallace third party wherever possible.

"But, as he talked freely with a large group of Washington political writers here for the P. C. A. convention, Kenny left little doubt as to what he thought the Wallace campaign might accomplish.

"For one thing, he observed on a couple of occasions, it could very well result in the dumping of Harry S. Truman as the Democratic nominee.

"'Wallace can take the Democratic nomination from Truman in California and Oregon,' he said flatly. 'And if Truman loses these two

practice bouts, the Democrats won't nominate him at Philadelphia -- unless the party's leaders have a greater suicidal instinct than I think they have.'

"Kenny said he was not ready, however, to predict that the Democratic convention would nominate Wallace if Truman were dropped. There has been some talk, however, that if such a thing were to happen, Wallace might then give up his third party candidacy in favor of a compromise Democratic candidate.

"Some observers feel that Kenny's choice in that event might be Supreme Court Justice William O. Douglas. Kenny was one of the early supporters of Douglas for the vice presidential nomination which the 1944 convention later gave to Truman.

"As for California, Kenny said Wallace could capture the Democratic nomination there with the votes of the same people who in the past have voted for Upton Sinclair, Culbert L. Olson and for California's several progressive Democratic congressmen.

"Kenny several times indicated that his chief interest in the Wallace movement was its possibilities as a weapon for re-shaping the Democratic Party.

" ... Kenny said he was not yet ready to predict that the Independent Progressive Party will fail to qualify as a third party in California and he made it plain he believes there are states where the third party may be necessary -- but California isn't one of them.

"'But if they make it in California,' he said, 'it will be the greatest

piece of political water walking I have ever seen."

By now my hands were full with the affairs of the Hollywood Ten. For a few months, I lost practically all track of politics. The ten men were indicted and had to come to Washington in January for their arraignment. Jack Lawson was put on trial in April, and we conducted a spirited defense before the Federal District Court in the District of Columbia. Most of the jurors were government employees, subject to the loyalty program, and the conviction came almost as a foregone conclusion. A few weeks later Dalton Trumbo was also tried and convicted.

Defense counsel then worked out an agreement with the government. If the other eight men had to be tried separately, defense funds would be exhausted. It was agreed that the trials would be halted until appeals of Lawson and Trumbo had been passed on by the United States Supreme Court. We had associated Charles Houston of Washington, D. C. as co-counsel in the Trumbo case. On the day that Trumbo's case was going to the jury, Houston's father came in from the United States Supreme Court. He was all smiles. He informed us that the Supreme Court had knocked out racial restrictive covenants that afternoon, in deciding Shelley v Kraemer, (344 U.S. 1, May 3, 1948). Both Houstons had been attorneys for the N.A.A.C.P. and national leaders in the fight against segregation in housing.

On June 17, 1948, the Southern California P.C.A. finally dissolved and merged into the Independent Progressive Party. Robert Morris, my partner, had been treasurer of P.C.A. He announced that both he and

I were not joining the I. P. P. Bert Witt, executive director of P. C. A., became director of the I. P. P. I told the press that I still intended to be active in "Democrats for Wallace" which, by then, I said, was "mostly a state of mind with a small deficit."

At the Republican convention in Chicago on June 25, Earl Warren was nominated for vice president, with Dewey for president. If the ticket had only been reversed, I am sure the Republicans would have won that year, and Earl Warren would have made as great a president as he later made a Chief Justice.

A few days later, on June 29, I spoke once again at a Town Hall broadcast from the Pasadena Auditorium. The other speakers were Will Rogers, Jr., Victor Hansen, then Adjutant General of the State of California, and Adela Rogers St. John, the writer. The subject of the debate was "What Are the Major Issues in the Coming Election?" When moderator George V. Denny, Jr. introduced me, he said:

"Although Mr. Kenny remains a Wallace supporter, he insists, and I quote, 'I'm still a Democrat. Very still.' Judge Kenny, will you please speak for yourself?

Mr. Kenny: "You're right, Mr. Denny. I'm still a Democrat, despite the present administration. However, I'm for Henry Wallace because I believe that the American people deserve a better choice this year than one between Tweedle-Dewey and Tweedledum.

" ... One of the most important of the present issues is our relations to the United Nations. That question is usually phrased in terms

of United States versus Russia. Well, while it's more dramatic and, in some quarters more explanatory to say it that way, it misstates the problem. It puts the question in terms of who shall prevail.

"The real question is whether the United States, which prides itself on being one of the most advanced governments, is prepared to accept an international system of law, whether it is really prepared to accept the council table as a substitute for the atomic bomb; in short, whether it is prepared to accept the United Nations.

" ... One of the most critical issues today is our growing tendency to distrust ourselves. As a result, we have an investigating staff in our country which is no doubt the greatest staff in our history. The index of the F. B. I. and the Un-American Activities Committee runs into millions of names.

"This is a difficult issue to bring up because just mentioning and criticizing it causes one to be suspected of disloyalty. Nevertheless, my feeling is that the candidate who ignores the issue of civil liberties is the most disloyal. Let's quit blaming each other and adopt a constructive attitude towards the issues of the day."

The speakers directed questions to each other.

Mr. Rogers: "I have one for Bob Kenny ... Now the Independent Progressive Party is working for the defeat of Miss Douglas. How can you justify that, and should not the name of your party be changed to the Republican Co-operative Party?"

Mr. Kenny: "There goes another poor wife getting beaten again.

That isn't my party. I agree with you most sincerely that Mrs. Douglas is one of the most valuable members in Congress that we have. She deserves re-election and shouldn't be opposed by anybody wearing the name 'Progressive.'

" ... I would like to hear what Mr. Rogers thinks of Mr. Truman's handling of Palestine policy. I know that Mr. Rogers is a sincere student of the subject." (At this time, the Administration was fearful that friendliness to Israel would endanger our cold war oil supply lines from the Arab nations.)

Mr. Rogers: "I could see that one coming up. I knew that I couldn't get out of here without that one. I don't think any one in this country can defend very strongly the American position and change of position so rapidly on Palestine, and I offer no defense whatsoever for the Administration's action on Palestine, which I wholeheartedly condemn.

"I should like to point out, however, that that is just one segment of our foreign policy. The principal issue, which was to stop Russian aggression and implement the Marshall Plan, that has been a Democratic program and that was a Democratic proposal and that is more important than our miserable failure in Palestine."

In concluding, I summarized my own position: "I'm the happiest man up here tonight because, being for Wallace, I don't have a President to apologize for and I don't have a Congress to apologize for."

Just before the July, 1948 Democratic convention in Philadelphia, the press reported that James Roosevelt, although elected in California

as a delegate pledged to Truman, was meeting with Eastern Democrats in an effort to persuade General Eisenhower to become the Democratic candidate in place of Truman.

On August 1, Morris Cohn left our firm to practice by himself in Hollywood. The firm of Kenny and Morris was then formed. I spent most of the month of August attending deposition sessions. Each one of the Hollywood Ten who had contracts with the producers had filed suit for breach of contract. In addition, all ten of them joined in a single action against all of the major studios, charging a general conspiracy to blacklist. Irving Walker and Herman Selvin, attorneys for the producers, had subpoenaed the ten complainants to appear to give their depositions. This process occupied several weeks.

On October 4, 1948, Dick Wiley was suspended by my successor, Attorney General Fred Howser, from his civil service position as Public Information Officer for the State Department of Justice. The charge against Wiley was that he had used a state car without permission. Howser had begun to suspect many people, including Wylie. The San Francisco News had started a campaign against Howser's conduct of his office. Mary Ellen Leary and Al Ostrow, writers for the News, both harped on the fact that his middle name was "Napoleon." Early in 1949 Drew Pearson stated that Howser was "the associate of big-time gamblers." Howser brought suit for libel and I was one of the attorneys retained to defend Drew. At the same time, Warren Olney III became director of a Crime Commission appointed by Governor Warren. This commission

was also casting a critical eye at Howser's activities in connection with the suppression of gambling in various areas of the state. Howser tried to discharge Wiley permanently from the state service but the State Personnel Board ruled against him.

George Arnold, then a son-in-law of Drew Pearson, came to my office in 1949 and spent a year collecting all the information that was available about Howser. This culminated in taking a lengthy deposition from Howser, with Drew Pearson in attendance. The matter finally went to trial in Washington, D. C. and the jury ruled in Pearson's favor. It was an illustration of the old politician's principle "Don't never sue for libel, they might prove it on you."

On October 21, 1948, the City of Los Angeles joined the parade of communities instituting loyalty checks upon their employees. Mayor Fletcher Bowron signed an ordinance designed to impose this senseless ritual. Two years of litigation resulted in the ordinance being upheld by a divided vote in the United States Supreme Court.

On October 23, two weeks before the general election campaign, The Nation ran an article entitled "Lessons from California," in which I said:

"Whatever reasons Henry Wallace may have had for forming a third party, it is now painfully apparent that the move was ill advised in California. Given California's free-wheeling style of politics and its system of cross-filing in primaries, it has been a major accomplishment to create a <u>second</u> party in the state, not to mention the difficulties involved in

creating a third. Except during the short lifetime of Hiram Johnson's Progressive Party, California was essentially a one-party state from the Civil War to the E. P. I. C. campaign of 1934. Today the Democratic Party is undeniably a second party, that is, a genuinely progressive party, in California. Though a few local satraps still cherish the illusion that they are 'bosses,' the California party is almost wholly free of bossism and machine control. The state chairman and national committeemen are progressive Democrats, the party's state platform is a progressive document, and the Los Angeles County Central Committee -- the largest elected Democratic organization in the country -- is headed by and largely made up of progressive Democrats. In fact, a sizable minority of this committee was supporting the candidacy of Mr. Wallace. Under these circumstances it is indeed difficult to understand the reasoning that led to the formation of the Independent Progressive Party.

" ... Whatever the intentions of the third party leaders may have been, the party's emergence has been a factor in the failure to form a successful coalition. But responsibility for the failure does not rest entirely with the Progressive Party. In the past few weeks its leaders have been willing to be seen in public with their former colleagues, but not too many of these former colleagues are willing to be seen with them. Moreover, certain anti-third party elements of former successful coalitions are in part to blame for the party's creation, for after the 1946 election they devoted no small part of their time and energies to 'reading out' of the coalition the groups which today make up the new party.

" ... In the absence of a coalition neither the Progressive nor the Democratic Party can hope to salvage much from the 1948 election. Had Henry Wallace remained in the Democratic Party, he might easily have captured the California delegation. By the time of the June primary California Democrats of all shades of opinion were resorting to the most desperate and amusing strategems to avoid having to support Truman. The situation which some of us had foreseen in the spring of 1947 had come to pass even more fully than we had anticipated; but by then the possibility of using this situation to advantage had been lost -- through timidity, lethargy, and the lack of bold and far-sighted leadership.

"As delighted with their new political apparatus as youngsters with a new toy, Progressive Party leaders remained indifferent to the necessity of forming a coalition until the last few weeks. Facing up to political realities, they finally realized the folly of entering candidates against Chet Holifield, Helen Gahagan Douglas, and Frank Havenner. But while Holifield, Mrs. Douglas, and Havenner now seem assured of re-election, the belated withdrawal of their Progressive Party opponents has not brought into being the coalition necessary to win a major victory in California. If one can say of the Progressive strategy of the last few weeks, 'Too little and too late,' one can also say that a slightly larger measure of forbearance on the part of the liberal Democrats might have prevented the present impasse. Unfortunately, the bridges are still down in California. If California liberals want to win in 1950, they had better start building new ones."

The regular Democrats had selected George Luckey, a former colleague of mine in the State Senate, to be vice chairman for Southern California. George's primary duty was to organize Truman's California campaign. In practical terms this meant that it was his high privilege to pay the bills. There really was no Truman campaign in California in 1948 -- no billboards, or radio, and no precinct work. Not more than $35,000 was spent state-wide. Truman won in California in spite of his campaign.

After the Truman miracle occurred on November 2, Luckey was praised for a time and then quietly shuffled into the background. The regular leaders took over. The victory made the amateurs superfluous.

The 1948 balloting brought three additional California congressional seats to the Democrats. B. W. "Bud" Gerhardt, veteran Republican, was defeated in Fresno. Democrat Clyde Doyle won his seat back from Willis Bradley in Long Beach, and Clinton McKinnon, publisher of the San Diego Journal, defeated Republican incumbent Charles Fletcher.

A few days after the November election, the California Appellate Court upheld the County loyalty oath (88 Cal. App. 2d 581). A petition to the State Supreme Court was denied, with only Justice Jesse Carter dissenting.

The year did end on a favorable note. On November 30, the trial of Lester Cole's case against Metro Goldwyn Mayer began before Federal District Judge Leon R. Yankwich. We had a fair judge, unfrightened by the hysteria of the period. Louis B. Mayer was called

by us as a witness and repeated his former statements of opposition to the tactics of the House Un-American Activities Committee. On December 17, the jury brought in a unanimous verdict in favor of Lester Cole, and Judge Yankwich denied applications for a new trial. Curiously, juries were less frightened then of the "red menace" than were appellate judges with lifetime jobs. After two years on appeal, the Cole verdict was eventually taken away from us by a decision of the Ninth Circuit Court in San Francisco.

CHAPTER THIRTY

WHATEVER HAPPENED TO GOOD NEWS - 1949

On February 18, 1949 I attended the National Lawyers Guild convention in Detroit. I was finally relieved of my duties as national president of that organization after nine years of service. Clifford Durr, Chairman of the Federal Communications Commission, was chosen to succeed me. Cliff was a liberal lawyer from Montgomery, Alabama, a former Rhodes scholar.

I went from Detroit to Washington to take part in the argument before the Court of Appeal on the verdicts against Lawson and Trumbo. We had mobilized a great number of amicus briefs in our behalf, the most notable of which was written by Alexander Meiklejohn, former president of Amherst and then professor emeritus at Berkeley.

In 1946, I had started investing in television stocks. Farnsworth Television shares had been distributed widely in California, and I had bought some. By 1949 my investment in it amounted to about $12,000. In March, 1949, an announcement was made that Farnsworth was to be merged into International Telephone and Telegraph Company. The terms of the merger virtually wiped out the Farnsworth interests. I brought suit in New York on March 31, 1949 to enjoin the holding of a stockholders meeting to approve this merger. Judge Bernard Botine of the New York Supreme Court heard my injunction application. He conducted a very careful hearing, even holding night sessions, but ruled my showing

insufficient to justify interference with the meeting of the corporation.

The vote on the merger at the meeting was a close one; if only a few of the irregularly-executed proxies were thrown out, we would have prevailed. I began another suit to compel a recount without these proxies. This suit was filed in the Federal Court in Fort Wayne, Indiana. I went there on August 31, 1949 for the trial. We were unsuccessful; I. T. & T. gobbled up Farnsworth, patents and all.

A testimonial banquet was given for me at the Hollywood Athletic Club on May 21 by the National Lawyers Guild, upon the occasion of my retirement as its president. Albert Maltz introduced me as senior counsel of the Hollywood Ten, saying: "Robert Kenny has not profited from our case, not in money nor in career. But it will be written down that in this difficult time he was not confused and he was not afraid and that he walked through difficult years with conscious morality."

On June 13, the Appellate Court in Washington affirmed the convictions of Lawson and Trumbo (176 Fed. 2nd 49). This defeat had been expected but we were quite confident that the matter would be reviewed by the Supreme Court. Only four justices are necessary to vote for a Supreme Court review, or certiorari. We were almost certain that Justices Black, Douglas, Murphy and Rutledge would vote for us.

Justices Douglas, Murphy and Rutledge had dissented when the court denied certiorari to Leon Josephson on February 16, 1948 (333 U. S. 838). Josephson had raised the constitutional issue in its most absolute form by refusing even to be sworn as a witness before the House Un-

American Activities Committee (165 F. (2) 82). On November 11, 1948, the Supreme Court granted certiorari to Gerhard Eisler, also convicted of Congressional contempt (335 U. S. 857). However, Eisler fled to East Germany while his case was under submission following the hearing of oral argument, and the Supreme Court voted to remove his petition from its docket on June 27, 1949 (338 U. S. 189).

Unfortunately for the Hollywood Ten, Justice Murphy died on July 9, 1949 and Justice Rutledge died on September 10, 1949.

In the 1948 general election, George McLain, Chairman of the Citizens Committee for Old Age Pensions, had scored a surprising victory. He had qualified an initiative petition on the ballot, Proposition No. 4, and it had carried. This measure removed the various County Boards of Supervisors from all control of old age welfare programs. The power to administer the program was put under a state agency. By the terms of Proposition No. 4, Myrtle Williams, George McLain's faithful assistant, was named to head the new State Social Welfare Administration.

George's victory earned him the active opposition of the State Chamber of Commerce and a majority of the State Senate. He was investigated and subpoenaed many times. An initiative petition was circulated by the State Chamber to repeal Proposition No. 4. I joined forces with George McLain. Acting without fee, I represented the old age pensioners in an action to keep the repeal measure off the ballot. For a few months we were optimistic about our chances. However, on June 22, 1949, the Supreme Court ruled against us, Perry v Jordan (34 Cal. 2d 87). The measure

went on the ballot in a special election called by Governor Warren on November 29, and Proposition No. 4 was then repealed.

Assured of McLain's support, I decided to try a come-back in California Democratic politics. On June 8, 1949, I announced that I would run in 1950 for State Senator from Los Angeles County. This was the post held by Senator Jack B. Tenney, chairman of the Joint Legislative Committee on Un-American Activities.

Other progressive Democrats had plans for 1950. James Roosevelt was going to run for Governor, and Helen Gahagan Douglas for Senator. Many Democrats felt that my presence on the ticket with these candidates would embarrass them. I believed my presence would re-activate many disaffected liberals. A few months later Assemblyman Glenn Anderson, a legislator with a good progressive record, was persuaded to enter the race and make the contest with Tenney a three-cornered one.

On November 11, 1949, the firm of Kenny and Morris moved into its own building at the corner of Temple and Hope Street, 250 North Hope.

In December, 1949, I went to San Francisco to take part in the first trial of a law suit that was to occupy my interest for the next six years. I had been asked to represent some minority policy holders of Industrial Indemnity Exchange, a mutual industrial compensation carrier, owned by its policy holders. The management of the Exchange had formed a stock company owned by the officers under the name "Industrial Indemnity Company." As the business of the Exchange came in for renewal, it was switched to the new company. The Insurance Commissioner had protested

this practice, and the management had then arranged a purchase agreement whereby the interests of the policy holders in the mutual exchange were acquired by the new privately owned company. Some of the minority policy holders tried to block this sale upon the grounds that it was double-dealing. I represented them, with attorneys Maurice Hyman and Jerome Politzer of San Francisco.

The case was not finally decided until after two appeals, the final decision coming down in 1957. I lost then by a four-to-three vote of the State Supreme Court. At least I had the comfort of Justice Carter's dissent, which he opened with the statement that the majority decision was "a crime in ink" (49 Cal. 2d 280).

Prospects for the 1950 election were already taking shape before the close of the year. Mrs. Helen Gahagan Douglas announced her candidacy against incumbent Sheridan Downey for the United States Senate on November 5. Two days previously, Congressman Richard Nixon announced he was entering the race on the Republican side.

The County loyalty oath case reached a disappointing conclusion in the United States Supreme Court on December 5, 1949. Justice Frankfurter ruled that it would be premature for the United States Supreme Court to decide the case and that the matter should be returned for a ruling by the Supreme Court of California.

Perhaps the most revolutionary event in California politics of 1949 was the publication in Collier's August 13 issue of an article on Arthur Samish, entitled "The Secret Boss of California," by Lester Velie.

Somehow Velie had persuaded Arthur Samish to pose for a picture with a puppet on his knee. The caption read: "Said the big man: 'And how are you today, Mr. Legislator?'" Gov. Earl Warren told Velie that "On matters that affect his clients, Artie Samish has more power than the Governor."

This article started Samish's downfall, which culminated with his conviction and sentence to federal penitentiary for income tax fraud in 1955. Samish had invented the indivisible lobby in California. For instance, if a legislator should attempt to move against the banks then the oil companies, insurance companies, trucking concerns and railroads all would join in helping out the banks. Similarly, this alliance would go in to work if any move was made against the interests of the other dominant lobbies. The system was entirely bi-partisan. It made no difference to Arthur Samish whether the Democrats or Republicans were nominally in control of the Legislature.

CHAPTER THIRTY-ONE

THE BRAVE BURNT CHILD - 1950

Battle lines were drawn tighter for the coming campaign when on March 29, 1950, Sheridan Downey announced that he would not seek re-election and had withdrawn in favor of Manchester Boddy, publisher of the Los Angeles Daily News. Boddy's subsequent campaign for the Democratic nomination reflected little credit upon him. His supporters issued a "pink" pamphlet devoted to showing that Helen Douglas' voting on many issues was the same as that of Vito Marcantonio, the American Labor Party Congressman. Boddy had supported me for Governor in 1946, but now that he was a candidate on the same ballot, he attacked me, too. On May 20, he published an editorial under the heading "Kenny in Bad Company." The "bad company" seemed to be some Kenny signs in front of Independent Progressive Party headquarters.

Several of my Democratic friends in the Assembly asked me to withdraw in favor of Glenn Anderson. I should have done so, of course. However, I then suffered from that special variety of deafness that overcomes candidates for public office. In my more lucid moments I had described this disease as "candidatitis, or delusions of invincibility."

Early in January, 1950, I undertook the defense of Luisa Moreno Bemis. She had been an important C.I.O. organizer in the food and tobacco field, and was the first woman vice president of that organization. She had retired to the life of a housewife in San Diego after she married

Gray Bemis. Then the Tenney committee, on one of its forays into San Diego County, subpoenaed her and returned her to the limelight. Soon thereafter, the Immigration authorities started deportation proceedings against Luisa on the ground of past Communist affiliations. Luisa had been born in Guatemala. As a girl she had become a leading poet of that country. At the deportation hearings, the government produced an expert on red ideologies. I prepared to cross examine him by having several quotations typed out without identification of the source. Some of them were Stalin's more conservative co-existence utterances, others were excerpts of A. F. L. union constitutions and One World statements originating from Wendell Willkie. The "expert" did exactly what I expected him to. He attributed Stalin's statements to Robert A. Taft, and one of Robert A. Taft's statements to Stalin. But Luisa was deported to Guatemala.

In May, I was retained to appear for the new regime of China to recover bank deposits held by the Wells Fargo Bank of San Francisco, in the name of the Bank of China. The Formosa regime had claimed these deposits, amounting to $750,000.

In May, 1950, the San Francisco Chamber of Commerce had gone on record in favor of the recognition of the new regime in China. David Drucker of New York, then on his way to China to establish trade connections with the new regime, came to San Francisco. Businessmen there were anxious to meet him. I arranged a luncheon for him with Roger Lapham, the former Mayor, who was president of the American Hawaiian

Steamship Lines. George Killion of the American President Lines also gave Drucker a cordial reception. Resumption of the China trade would fill many empty American bottoms.

Federal Judge Louis Goodman ruled that the money should remain impounded in the bank until the matter of recognition was finally settled. We were entirely satisfied with this ruling. However, a few months later, the North Korean episode changed popular sentiment. The Federal Appellate Court returned the Wells Fargo case to Judge Goodman with a suggestion that he reconsider his decision in the light of the realities of current events. He did so. The deposits were then ordered paid over to the Park Avenue Chinese. My clients in Peking were offended by this and declined to appeal.

Throughout February and March, Harry Bridges was on trial before Federal District Judge George Harris in San Francisco on a charge that he had committed perjury in obtaining his American citizenship. I was shocked when two of Bridges' close associates, and good friends of mine, George Wilson and Mervin Rathborn, testified against him. I appeared as a character witness for Bridges. Later I also appeared as counsel for Vincent Hallinan, his attorney, who had been charged with contempt in connection with his conduct of the defense. On April 4, however, Bridges was convicted. The conviction was later reversed by the United States Supreme Court.

April 10, 1950 was Black Monday for us. On that day I received a telegram from the Supreme Court of the United States that the petition for

review of the case of the Hollywood Ten had been denied (339 U. S. 934). Justices Black and Douglas dissented. A rehearing was denied on May 29 (339 U. S. 927), with the same dissenters.

For over a year, we had been preparing for the trial of an anti-trust action brought by Herbert Sorrell and the Conference of Studio Unions against the major producers and the I. A. T. S. E. The action was brought under the Sherman Act on the theory that the two groups had combined against the Sorrell union and the independent producers in restraint of trade. Unfortunately, a somewhat similar case had been urged in another federal court by the Screen Carpenters. This case was dismissed. When our case came up before Federal Judge William Mathes on May 1, he followed this precedent and dismissed our action.

On May 9, my close friend Stewart McKee died in his sleep in his room at the California Club. We had always feared that one day a blood clot would do him fatal damage. Duncan Aikman wrote Stewart's father that Stewart "adorned and charmed an age which has made a fetish of abandoning courtliness, but he never used his courtly manners to stuff a shirt."

Stewart was a renaissance character, somewhat on the splendid and princely side, and too much above the battle to care about people's ideological splits, so long as he personally liked the people.

My campaign for the State Senate seat against Jack Tenney was the first political campaign in Southern California which widely employed television. My writer friends in Hollywood devised many unusual programs. Professor William A. Fowler of Cal Tech appeared on one program to

demonstrate atomic working models. Loren Miller and Dan Marshall provided the commentary during the running of a film which exposed the desperate housing needs of 200,000 families in Los Angeles County. Others on the programs were Judge Isaac Pacht, Ignacio Lopez, editor of "El Espectador" of Pomona, Robert Rossen, writer-director, and Rollin McNitt, former L. A. County Democratic Chairman. George McLain did everything he could to activate the pension movement in my behalf. His support earned me an adverse editorial in the Santa Monica Outlook of June 1, under the heading "Birds of a Feather." This stated I was the "Cataline of California Politics" who had been defending Communists and was presently defending George McLain against the State Senate Investigating Committee.

I debated Jack Tenney twice, once at the Santa Monica Auditorium and another time over television.

We were buoyed up by the results of a postcard poll I had taken. This indicated that I would get 40% of the vote, Tenney, who had cross filed, would get 35% and Glenn Anderson would get 25% of the Democratic primary vote.

I believe this poll was accurate as of the time it was taken. However, in the last week of the campaign, Glenn Anderson's name appeared on a mailing that the A. F. of L. sent to every Democrat in the county. This slate was headed by James Roosevelt for Governor and Helen Gahagan Douglas for Senator. There was a lot of excitement engendered in my campaign, but the fact remains that State Senator is an obscure office. For

such offices, an independent campaign is usually ineffective in a large county like Los Angeles. The average voter is inclined to go along with the candidate who has been selected on a slate headed by favorite candidates for the more prominent posts.

When the results came in on June 6, we were dismayed to see that Tenney had beaten both Anderson and myself. Even worse, I had fallen into third place, behind Glenn Anderson. Unfortunately, there is no way to unring a bell.

On June 29, I went to Washington. The Hollywood Ten came up for sentence and all were sent to jail and given the maximum fine. Judge Richmond Keech only imposed six months jail sentences upon Herbert Biberman and Edward Dmytryk. Different judges imposed a year's imprisonment on the other eight members of the Hollywood Ten.

Shortly after my return from Washington, I had breakfast on July 13 with District Attorney Brown. Pat had just won the Democratic nomination. Fred Howser, the Republican incumbent, had been defeated in his own primary by Edward Shattuck. The attrition of the Drew Pearson libel suit and all of the other unfavorable publicity had finally undermined Howser. In the November election, Pat was able to duplicate my feat of 1942. He was the only Democrat elected on the state-wide ticket that year. James Roosevelt was swamped in November by Earl Warren's vote for Governor and Richard Nixon beat Helen Douglas in a campaign that saw a repetition of the ugly charges made by Manchester Boddy in the primary campaign.

I scored two appellate court victories for George McLain in late

August. On August 21, the Third District Court of Appeal ruled that McLain could not be required to stand trial on a bribery charge in Sacramento. A Senate Committee had obtained an indictment of McLain for bribery because he had placed a Democratic Assemblyman on the payroll of the Old Age Pension Committee.

McLain had made his books available for this committee, revealing the fact of this employment. The Appellate Court agreed with me that McLain's evidence before the Legislative Committee earned him immunity from any prosecution based thereon (99 C.A. 2d 109). The Assemblyman was required to stand trial on the bribery charge but was acquitted.

On August 30, the Appellate Court in Los Angeles reversed a conviction that held McLain in contempt of the Senate Committee. This arose from an occasion when McLain had refused to answer any further questions of the Senate Committee that had been harrassing him. I obtained a reversal upon the ground that the committee was not acting under any specific legislative direction by the State Senate (99 C.A. 2d 274).

On July 19, the State Appellate Court upheld the Los Angeles City loyalty oath. The State Supreme Court denied a hearing, with dissents by Chief Justice Gibson, and Justices Carter and Traynor. As soon as the Appellate Court's ruling became final, Mayor Bowron, on August 18, broadcast a speech over Radio KFI in which he said:

"A goodly amount of most valuable information is being collected, but more reports about undesirables or questionable individuals should be forwarded to the Police Department. I refer primarily to those identified

with or suspected of alliance with subversive activities. The names and doings of all persons suspected should be reported. The information will be kept confidential.

"Let us begin identifying those who are seeking to tear down rather than build up in this crucial period. Let us get for the confidential reports the names, description, habits, and information about potential saboteurs. Let us know their associates, their activities. This will be one of the functions of civil defense, to lessen the effects of what our potential or actual enemy may do, either before or after actual hostilities."

A recall petition against Bowron had qualified for the November 7 ballot. George McLain urged me to run and his organization put on an extensive billboard and radio campaign for me. The race attracted me because it would be confined to the City of Los Angeles where I had run best in June. Since the recall election was being held at the same time as the general election, there would also be a larger vote than that usually cast in municipal elections. What I forgot was the rule that recall elections never prevail in major cities unless connected with some major upheaval. The recall failed. This time, I was finally cured of my candidatitis.

On November 22, the Federal Appellate Court had reversed Lester Cole's verdict against Metro Goldwyn Mayer (185 Fed. 2d 641). Lester had gone to jail for contempt of Congress after he had won his verdict before Judge Yankwich. This factor strongly influenced the Appellate judges. The case was returned for retrial before Judge Yankwich. Early the following year, most of the major producers entered into a settlement

with us and $140,000 was paid to the Hollywood Ten for the dismissal of all pending litigation. The contract suits of Adrian Scott against RKO and Ring Lardner against Twentieth Century-Fox remained pending, since these two producers had not joined in the settlement.

We also lost one client that fall. Eddie Dmytryk, the director, had been one of the two men who had received only a six month sentence compared with the year that had to be served by the others of the Hollywood Ten. On September 10, word came from federal prison that Dmytryk had recanted. Magazine articles soon appeared under his signature in which he regretted ever having been a Hollywood Red. Dmytryk found employment with the major studios as soon as his jail term was up. His suit against RKO for breach of contract was dropped.

George Arnold had vacated our extra office at 250 North Hope after concluding the work on Drew Pearson's libel case. He opened a legal partnership of his own. Eleanor Jackson, formerly a deputy Attorney General, and law clerk of U. S. Judge Louis Goodman in San Francisco and U. S. Senator Sheridan Downey in Washington, moved into George's space. She had returned from Tokyo where she had been a member of the prosecution staff in the war crimes trials. She remained with us until her marriage in June, 1955 to Gerard Piel of New York, publisher of the Scientific American.

Paul Jarrico, a writer, sent me a check after the November defeat. He said that from now on out he was only going to contribute to losers. I replied, saying, "I am now becoming one of the most talented losers in

the political business and am looking forward to soliciting and receiving many further contributions from you."

CHAPTER THIRTY-TWO

THE HOUSE UN-AMERICAN ACTIVITIES COMMITTEE IN 1951

From October, 1947 to July, 1950, when the Hollywood Ten finally went to jail, a truce had existed in Hollywood. Dozens of people kept their jobs in the industry because of the fight being made in the courts for the Hollywood Ten. However, when that fight was finally lost, the truce was over. The Committee started pressing for blacklisting and the producers were ready to oblige. Everyone in Hollywood who had ever been connected with a progressive organization was interviewed by agents of the Committee. The Committee found several who were ready to become "friendly witnesses." In 1951, these friendly witnesses were called to the stand to name those formerly associated with them in the Communist movement. Afterwards the persons they named were called. If they were "unfriendly," i. e. if they stood upon the Fifth Amendment and refused to name others, they were then blacklisted from further employment in the industry where they had earned their livelihood for years.

The curtain rolled up on this operation on March 21, 1951, when Larry Parks, the actor who had been one of the original Hollywood Nineteen but had not been called in 1947 as a witness, was called to the stand. I was in the audience in Washington, D. C. to represent several other Hollywood persons who had been subpoenaed. Larry had become a "friendly" witness. However, when it came to naming others, he begged the Committee "Don't drag me through the mud." The Washington News

that afternoon carried headlines "Jolson Sings Again." This had reference to Parks' role as Al Jolson in a currently released motion picture. The Committee spared Parks the pain of naming his friends in public. It was done in executive session, instead. The clients I represented on that occasion all took the Fifth Amendment.

On April 10, I returned to Washington with another group of Hollywood persons who had been subpoenaed by the Committee. This time the first witness was Sterling Hayden, an actor. He turned out to be a friendly witness and named several former associates. Richard Collins, another one of the original Hollywood Nineteen, also took the stand the following day as a friendly witness. On April 23, Edward Dmytryk also testified about his Communist associations.

In the week of September 17, 1951, the Committee had its first wholesale hearing in Los Angeles, examining forty-two witnesses. All but six of these were unfriendly. The Committee also called Rev. Stephen Fritchman of the First Unitarian Church as a witness in executive session. I represented him. However, the Committee lost its nerve when it came to calling a man of the cloth before a public session. The day that Rev. Fritchman was due to appear publicly, I received a telegram saying that his appearance had been cancelled. In another year, however, the Committee had grown bolder and there was no immunity for clergymen.

My own fortunes underwent a considerable change that year. On January 2, 1951, Ethelwyn Walker Jarnigan died. She was the daughter

of George Walker. Her father had made me co-trustee of all the assets of his estate and she was the sole beneficiary. When she died the trust terminated. It was found that her will gave everything in her estate to L. Otis Ivey, Vice President of the Citizens National Bank, the other co-trustee. The bequest to Ivey was subject to provisions for the care of Ethelwyn's invalid husband, William Jarnigan. I was retained by Jarnigan as his attorney. Since Jarnigan was hopelessly bedridden and crippled with arthritis, I had Roy Allen appointed his guardian. We then petitioned the Superior Court for authority to contest Ethelwyn's will. The court, in effect, rewrote the will to give Jarnigan a vested right to the income of the trust during his lifetime but denied him permission to contest the will. When Jarnigan died in February, 1953, I became the executor of his estate, and then brought suit against Ivey and the Citizens Bank for breach of trust. Before bringing this suit against the bank, I removed myself from its board of directors, a position I had held since 1943.

The case of Kenny, as Executor, vs the Citizens National Bank was thrown out of court by the trial judge, but a reversal of this was obtained in the District Court of Appeal. The Supreme Court granted a hearing, but the case was settled for $150,000 before the Supreme Court ruled upon it. This ended my career as a bank director.

On April 5, 1951, good news came from Sacramento. The Third District Court of Appeal decided, in an opinion written by Justice Paul Peek that the loyalty oath imposed by the Regents upon faculty members at the University of California was illegal. However, the Supreme Court

granted a hearing on this, and Justice Peek's splendid decision never appeared in the permanent volumes of the California Reports. However, Henry Steele Commager printed large excerpts of it in a book published later that year.

The City loyalty oath was upheld by the United States Supreme Court on June 4, 1951 by a five-to-four decision, the dissenters being Justices Black, Douglas, Frankfurter and Burton.

CHAPTER THIRTY-THREE

THE EISENHOWER-STEVENSON CAMPAIGN - 1952

There were two remaining contract suits to be tried against the producers. On February 15, 1952, the jury brought in a verdict of $130,000 for Adrian Scott and Ring Lardner in their suits against RKO and Twentieth Century-Fox. Judge Ben Harrison denied Twentieth Century a new trial in the Lardner case, and an appeal was taken. He did grant a new trial to RKO in Scott's case, and that matter was held off calendar until the determination of the Lardner appeal. On November 9, 1954, the Lardner verdict was reversed (216 Fed. 2d 844). We were able to settle Lardner's claim for 50 cents on the dollar before retrial. However, on the retrial of Scott's case, the court ruled against us and our appeals to the Appellate and Supreme Courts were useless.

On March 21, 1952, I debated Senator Jack Tenney again. This debate was held at U. C. L. A. The students there were starved for something controversial and Royce Hall was jammed to hear us. I talked to Tenney backstage, before the debate. He asked me who I thought was going to receive the Republican nomination. I told him I thought it would certainly be Eisenhower. Tenney shook his head: "Bob, this will be the end of the Republic." Poor Tenney had gone so far to the right that he regarded General Eisenhower as a dangerous radical, a position later taken by Robert Welch of the John Birch Society.

There was a contest in the Republican presidential primary in Cal-

ifornia in 1952. Earl Warren ran, as he had many times before, as California's favorite son. An anti-Warren ticket was placed in the field by John Francis Neylan and others. Neylan had been one of the Regents who was in favor of the University loyalty oath which Warren had opposed. The candidate of the anti-Warren forces was Congressman Thomas Werdel of Bakersfield. There was also a contest in the Democratic presidential primary. A ticket had been entered by the regular Democrats in favor of Harry Truman. Senator Estes Kefauver had his own slate in opposition. When Truman withdrew from the race in the early spring of 1952, the regular Democrats were left high and dry with a slate but no candidate. They persuaded Pat Brown to permit himself to be substituted as a "favorite son" candidate. The Kefauver ticket won over the "favorite son" ticket by a large margin. Warren won over Werdel by a two to one margin. It is interesting to note that later that year Werdel was the only Republican congressman to lose his seat in the Eisenhower sweep in November. Cross-filing was still potent in 1952. At the June 3 primary, Senator William Knowland took the Democratic nomination away from Congressman Clinton McKinnon of San Diego.

The Republican convention took place in Chicago in July. Ten years later I made a study of the events that led to Nixon's nomination as vice president, and Nixon's relations with Gov. Warren and his delegation. Frontier magazine published this April, 1962, under the heading "The Crisis Nixon Forgot," referring to Nixon's book, "My Six Crises."

During the spring and summer of 1952 the leaders of the California

Communist Party were on trial in Los Angeles for violation of the Smith Act. On August 5, 1952, they were all convicted. I was later associated in their successful appeal before the United States Supreme Court (Yates vs U. S. 354 U. S. 298).

On August 29, 1952, Frank Wilkinson, of the Los Angeles City Housing Authority, appeared as an expert witness in a condemnation case. In cross examination he was asked if he had ever been a member of the Communist Party. Judge Otto Emme deferred ruling on the question until the following Monday. Bob Morris, Dan Marshall and I immediately went into conferences with Frank. When the court reopened Monday, we were prepared to take a constitutional stand. However, before counsel said a word, Judge Emme announced he had thought the matter over and overruled the question as improper cross examination.

The Un-American investigators, however, were relentless. The state committee came to Los Angeles and interrogated both Frank Wilkinson and his wife, Jean. When they both refused to answer questions on the grounds of the Fifth Amendment, Frank lost his job with the City Housing Authority and, on October 29, the Los Angeles City Board of Education fired Jean Wilkinson as a school teacher. We carried Jean's case to the Appellate Court but were unsuccessful in her behalf.

The House Committee on Un-American Activities came to Los Angeles in late September to turn its attention to the professional men of the city. It subpoenaed twenty-four lawyers and twenty-four doctors and dentists. I represented most of the unfriendly witnesses in these groups.

On October 17, the State Supreme Court upheld the State (Levering) Loyalty Oath legislation in a series of cases. Justice Jesse Carter wrote a splendid dissent (39 Cal. 2d 688):

"The only word of commendation which I can speak for the opinions of the court in these cases is that they bring into sharp focus the loyalty oath hysteria which has pervaded this country and particularly this state during the past five or six years. The concept that a person exposed to subversive activity may be immunized against such exposure by the taking of a so-called loyalty oath opens the door for vast explo ration in the field of metaphysical research. While this process is taking place the loyalty of every public employee is impugned even though he has taken the oath prescribed by the Constitution many times and has obeyed it religiously."

The Levering Loyalty Oath was on the ballot as Proposition No. 5. Earl Warren publicly opposed this measure, but it carried by a vote of 2,902,695 to 1,359,970.

This was the election when cross-filing met its doom. While Jack Elliott's proposal to repeal it outright was defeated by 3,700 votes, Proposition No. 7, requiring the listing of party designation on the ballot, carried by a 2 to 1 vote.

When Nixon became Vice President, his Senate seat became vacant. Earl Warren filled this vacancy on December 23, by appointing Thomas Kuchel, once a colleague of mine in the State Senate. Kuchel had been previously appointed by Warren as State Controller and had done an excellent job. It was a popular appointment.

CHAPTER THIRTY-FOUR

THE EVENTS OF 1953

Justice Jesse Carter was invited to be the principal speaker at the National Lawyers Guild convention in New York City on February 21. He and his wife, Jean, were introduced by me to Father Conway, who took us on a tour of the newly-constructed United Nations headquarters. The Eastern lawyers were tremendously impressed by Justice Carter's rugged Western liberalism and honesty.

On April 4, I received the good news that the Appellate Court in San Francisco had ruled in my favor on the Industrial Indemnity case. This case was ultimately to be lost by me in 1957, but this good news sustained me for the time being.

Early in 1953 I was retained to represent some independent movie exhibitors on Hollywood Boulevard. They had been excluded from first-run films in favor of other Hollywood Boulevard theatres owned by the major producers. I was engaged in this Sherman Act litigation for the next two years. The cases were ultimately settled upon payment of substantial damages.

With the election of Eisenhower, the Republicans again took control of the House Un-American Activities Committee. Rep. Harold Velde of Illinois became the new chairman. A most pathetic case occurred on the occasion of Velde's first committee visit to California. The principal of the grammar school in Laguna Beach was subpoenaed before the Committee

on April 13. I represented her. She took what was known as a "dimished Fifth," answering all questions about her political beliefs, except as to the years 1935 to 1940. From then on the bigots of Laguna Beach devoted all their time to devising some way to oust the principal from her job. They finally succeeded, after a court fight that took nearly two years.

In April of 1953 I was one of a group of counsel who filed suit against the major producers for conspiracy to blacklist the writers and actors who had been unfriendly witnesses before the Un-American Activities Committee in 1951 and 1952. This case, entitled Wilson v Loew's, ultimately reached the Supreme Court of the United States in 1957. However, none of our appeals were successful.

In the April, 1953 municipal primary, Norris Poulson defeated Fletcher Bowron for Mayor. Bowron had made a real fight for public housing. The landlord interests were determined to defeat him and the L. A. Times supported them in this effort.

On May 5, 1953, Attorney General Brown announced that he would not oppose Earl Warren for Governor. Since Pat was then the only leaf on the Democratic tree, he had been under increasing pressure to become a candidate and wisely declined before an embarrassing draft movement got under way. He had before him the horrible example of what had happened in 1946 when another Democratic Attorney General had been drafted to run against Earl Warren.

On September 1, 1953, Sara and her mother, Mrs. William Duffield, left for the island of Madeira. Sara had become quite interested

in the Ba'Hai religion and had been assigned to represent that faith in this Portugese island. A year later, she was assigned to Nice where she remained until after her mother's death, returning to California in May, 1963, after a ten years' absence.

On September 3, Governor Warren announced that he would not seek another term as Governor, and that the field would be open in 1954. Just five days later, Chief Justice Vinson died. On September 30, President Eisenhower appointed Warren to the Vinson vacancy.

CHAPTER THIRTY-FIVE

DIMINUENDO - 1954-1962

This book has been based upon a retrospective diary compiled from old appointment books and correspondence files. From 1954 on, there were very few entries covering any personal participation in politics. The protracted cold war had made me a political untouchable.

In the early part of 1954, I was one of the many who encouraged Dr. Robert M. Hutchins to become a candidate for United States Senator. Hutchins was then a resident of Pasadena, where the headquarters of the Fund for the Republic were located. He concluded that it was not feasible for him to consider leaving the Fund for the Republic for the United States Senate.

Senator Joseph McCarthy had made the fatal political blunder of attacking the Establishment. On April 22, 1954, the Army-McCarthy hearings began. This finished McCarthy as a political force, although Mc Carthyism continued on for several years.

In January, 1954, I flew to New York to meet William N. Copley and his bride, Noma Rathner Copley. They had just been married in Europe. Bill had inherited a four-ninths interest in the Copley chain of newspapers in Los Angeles and San Diego counties and downstate Illinois. His brother, James Copley, had also inherited four-ninths of the property. The ninth ninth went to a half-sister. Untangling this kind of an arrangement was a lawyer's dream. Many clients were staying away from me in those days

because my "independence" was regarded as a handicap. However, Bill and Noma Copley wanted a lawyer who was independent and retained me for that reason. For the next several years I devoted a good deal of time to Bill's affairs. Much of the litigation was in Cook County, Illinois. Barnett Hodes, former Corporation Counsel (City Attorney) of Chicago, came in on our side of the litigation against James Copley. Hodes and I had been friends since the Democratic convention of 1944, where we were introduced by Sen. Claude Pepper. A settlement was finally effected whereby James Copley acquired Bill's interest in the Copley newspapers.

On January 9, 1954, Richard Graves, Secretary of the California League of Cities, announced his candidacy for Governor on the Democratic ticket. Graves was an extremely able man, with whom I had been associated on the State War Council. I supported his candidacy enthusiastically. The Democrats, tired of getting beaten every year by Republican cross-filers, had formed the California Democratic Council to endorse primary candidates. At C. D. C. convention at Fresno on February 7, Graves was endorsed over the protests of former Governor Olson, who refused to consider him a "true" liberal. This was a special Olson standard that I, too, had been unable to meet. For United States Senator, the C. D. C. endorsed Rep. Sam Yorty, then serving in the Congressional seat vacated by Mrs. Helen Gahagan Douglas when she made her unsuccessful run for U. S. Senate in 1950. James Roosevelt was elected to Yorty's seat in Congress.

The 1954 general election produced another Republican sweep.

Goodwin Knight was re-elected Governor by a wide margin, over Dick Graves; incumbent U. S. Senator Thomas Kuchel defeated Yorty. Pat Brown had been re-elected Attorney General at the primary. No important Republican candidate appeared against him with the exception of former Attorney General Fred Howser. Pat obtained the L. A. Times endorsement, and carried the Republican nomination. He was the last state-wide candidate ever to win a cross-filing nomination in California.

In 1955 I advised with a group of doctors in Los Angeles who were disturbed about a bill pending in the legislature that year which would require professional disciplinary action against any doctor who claimed the Fifth Amendment when interrogated by an Un-American Activities Committee. This bill was introduced by Assemblyman Charles Chapel of Ingelwood. Eleanor Jackson recommended Roberta Johnson to represent my doctor clients in Sacramento. The two girls had been on George McLain's staff at Sacramento in the 1951 session and Eleanor had encouraged Roberta to study law. Early in 1955, Roberta was admitted to practice and I was responsible for bringing her first clients to her. These were the Los Angeles doctors who needed her to represent them in Sacramento.

I appeared in opposition to the Chapel Bill before the State Bar Board of Governors at a public hearing at Los Angeles. Eleanor Jackson made a similar appearance at the San Francisco hearing in April, 1955. The Chapel bill was defeated in Assembly Committee.

In March, 1956, Duncan Aikman died in Washington. In the previous

year he had published a brilliant commentary on American social trends entitled "The Turning Stream." Unfortunately, it turned out to be an unread classic.

In April, 1956, I represented some of the many musicians who were summoned before the House Un-American Activities Committee in Los Angeles. These appearances gave rise to the comment that my clients must have been attempting to overthrow the government by "force and violins."

At the June primary of 1956, Sam Yorty was again a candidate for United States Senator. This time, however, the C. D. C. nominated State Senator Richard Richards against him. Richards had succeeded Jack Tenney as Los Angeles State Senator, after Tenney had been defeated in the 1954 Republican primary by Mrs. Mildred Younger. Yorty lost to Richards.

In the Eisenhower sweep of 1956, Senator Kuchel defeated State Senator Richards by 450,000 votes. On October 8, 1956 I was one of the attorneys participating in the arguments before the United States Supreme Court in Yates v United States (354 U. S. 298). This was the appeal from the 1952 conviction of the Communist Party leaders in Southern California under the Smith Act. The World Series was then in progress. The day I argued was also the day that Don Larson of the Yankees became the first pitcher in history to set down in consecutive order all 27 Dodger batters.

I spent Christmas and New Year's of 1956 in Mexico City with Noma

and Bill Copley. During my absence, our building at 250 North Hope was physically moved to its present location at 1557 Beverly Boulevard.

1958 was the year which saw the complete demolition of Republican control of the state which had persisted since 1942, despite a three-to-two Democratic majority in registered voters. The prelude to the Republican disaster came from a musical chairs game played in the summer of 1957 by Vice President Nixon, U. S. Senator William Knowland and Governor Goodwin Knight. When the music finally stopped, it appeared that the unloved Mr. Nixon was occupying all three chairs. Knowland was running for Governor when his real objective was the 1960 presidential nomination, and Knight was running for U. S. Senator when he wanted re-election as governor.

At the general election of November 5, 1958, the Democrats elected Pat Brown as Governor, Superior Judge Stanley Mosk as Attorney General, Alan Cranston as Controller, Glenn Anderson as Lieutenant Governor and wide majorities in both the Assembly and Senate.

Justice Jesse Carter was delighted by this turn of events. I attended a party at his home in Marin County on December 13, at which the Governor-elect and Mrs. Brown were guests of honor. Justice Carter did not live long to enjoy the new regime for which he had so long hoped. He died of a heart attack on March 15, 1959. Governor Brown appointed Raymond Peters in his place, delighting the liberal lawyers of the State.

On December 11, 1959 Bartley Crum died in New York. He had left California to take over publication of the daily newspaper PM when

Marshall Field dropped it. After the suspension of publication of PM, and its successor "The Star," Bart had remained in New York to practice law.

In 1960, I undertook the representation of Synanon House. This was an organization of narcotic addicts who were attempting to work out a self-cure program. They occupied an old beach club in Santa Monica and were doing excellent work in the rehabilitation of addicts. Some neighbors protested their presence on the beach and obtained the cooperation of the Santa Monica authorities. Charles Dietrich, the organizer of Synanon, was sentenced to serve 30 days in jail for violating the Santa Monica zoning ordinances. His conviction was appealed all the way to the United States Supreme Court. Ultimately, he was required to spend the 30 days in the Santa Monica City Jail. However, during the protracted battle, the institution itself became firmly established, not only in Santa Monica, but in many other sections of the United States.

On May 13, 1960, the House Un-American Activities Committee conducted hearings in the San Francisco City Hall. Students picketed the Committee. Some police panicked, water hoses were turned on, and a serious distrubance ensued.

I made two trips to Honolulu during 1960, one for pleasure in January and one for business in November when I represented minority stockholders protesting the merger of the Pioneer Mill Company on Mauai into the American Factors Company.

In October, 1960 I went to Sofia, Bulgaria to attend the convention of

the International Association of Democratic Lawyers. This association was the outgrowth of a movement I had advocated back in 1945. It was a sort of international Lawyers Guild comprised of liberal lawyers from all parts of the world.

The early part of 1960 was devoted by me to participation in the movement to obtain a commutation for Caryl Chessman who was executed that year.

In 1961, Roberta Johnson was again in attendance at the legislature. Senator Richards presented a bill which would bring a pension to me for my judicial service. Roberta saw that the measure was successfully steered through both houses of the legislature and signed by the Governor.

In June, 1961, former Representative Sam Yorty defeated Norris Poulson for Mayor of Los Angeles.

In 1962, I made two trips East early in the year. One was to New York to testify as an expert witness in an anti-trust case in Brooklyn, and the other to Detroit in February to attend the annual convention of the National Lawyers Guild.

The June, 1962 primaries were mostly a Republican affair. Former Vice President Richard Nixon beat Assemblyman Joseph Shell for the Republican nomination for Governor and U. S. Senator Thomas Kuchel defeated Loyd Wright, former president of the American Bar Association, by an overwhelming vote.

On July 21 and 22, 1962, I attended the track meet at Stanford between the United States and the Soviet Union. The occasion was an

unforgettable display of international unity and sportsmanship.

In the November, 1962 election, Pat Brown earned another term as Governor by defeating former Vice President Nixon by a vote of 3,037,109 to 2,740,351. Dick Richards made a brave run for United States Senator but was defeated again by incumbent Thomas Kuchel. The November election was marked by the number of minority candidates elected to the legislature -- three Negroes were elected out of 80 members in the Assembly, and an equal number of Americans of Mexican or Oriental ancestry.

The Francis amendment, an omnibus initiative to curb subversive activities, Proposition 24, was beaten by 2,928,350 to 1,978,520. This represented a vast advance in popular enlightenment over the 1952 vote of 2,902,695 to 1,359,970 in favor of Proposition No. 5 aimed at "subversive persons and groups."

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